

Government of His Highness the Maharaja of Mysore

LEGISLATIVE DEPARTMENT

THE
MYSORE CODE
VOLUME IX

CONTAINING

THE REGULATIONS FROM THE
YEAR 1929—1933 INCLUSIVE

WITH

A CHRONOLOGICAL TABLE OF
CONTENTS AND AN INDEX



BANGALORE :

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CHRONOLOGICAL TABLE OF CONTENTS.

No. and Year	Title or Short title	Whether repealed or otherwise affected by legislation	Page
I of 1929 ..	The Code of Civil Procedure (amendment) Regulation .. ..	....	1
II of 1929 ..	A Regulation to amend the Mysore District Boards Regulation ..	....	2
III of 1929 ..	A Regulation to amend the Mysore Municipal Regulation, 1906 ..	Repealed by the Municipal Regulations of 1933 ..	3
IV of 1929 ..	A Regulation to amend the Mysore Prevention of Adulteration Regulation .. ..	....	4
V of 1929 ..	A Regulation to amend the Mysore Co-operative Societies Regulation .. ..	....	5
VI of 1929 ..	The Cotton Ginning and Pressing Factories Regulation .. ..	....	12
I of 1930 ..	A Regulation to amend the Government Savings Banks Act, 1873 ..	....	18
II of 1930 ..	A Regulation to amend the Mysore Securities Regulation, 1925 ..	....	20
III of 1930 ..	A Regulation further to amend the Mysore Income-tax Regulation, 1923 .. ..	....	22
IV of 1930 ..	A Regulation further to amend the Mysore Prevention of Adulteration Regulation, 1921 ..	....	28
V of 1930 ..	A Regulation to provide for certain matters in connection with the taking of Census	Spent ..	30
VI of 1930 ..	A Regulation further to amend the Code of Civil Procedure, 1911.	....	35
VII of 1930 ..	A Regulation further to amend the Indian Penal Code as in force in Mysore .. ..	....	36
VIII of 1930 ..	A Regulation further to amend the Mysore District Board Regulation, 1926 .. ..	....	37
IX of 1930 ..	A Regulation further to amend the Mysore Municipal Regulation, 1906	Repealed ..	38

No. and Year	Title or Short title	Whether repealed or otherwise affected by legislation	Page
X of 1930 ..	Mysore Elementary Education Regulation	Amended by Regulation V of 1933 ..	39
XI of 1930 ..	A Regulation to define and limit the powers of the High Court of Mysore in punishing contempts of Courts .. ..	....	55
XII of 1930 ..	A Regulation to designate the Chief Court, as the High Court of Mysore .. ..	....	57
XIII of 1930 ..	A Regulation to amend the Mysore Coffee Cess Regulation XIII of 1925 .. ..	....	58
I of 1931 ..	A Regulation to amend the Mysore Limitation Regulation, 1911 ..	....	59
II of 1931 ..	A Regulation to amend the Mysore Income-tax Regulation, 1923 ..	....	61
III of 1931 ..	A Regulation to amend the Tank Panchayet Regulation, 1911 ..	....	63
IV of 1931 ..	A Regulation to amend the Mysore Motor Vehicles Regulation, 1928.	....	65
V of 1931 ..	A Regulation for the Registration of Medical Practitioners in Mysore .. ..	....	67
VI of 1931 ..	A Regulation further to amend the Mysore Municipal Regulation, 1906	Repealed by the Municipal Regulations of 1933. ..	74
VII of 1931 ..	A Regulation further to amend the Mysore Village Panchayet Regulation .. ..	....	76
VIII of 1931 ..	A Regulation to amend the Mysore Land Record of Rights Regulation, 1927 .. ..	....	80
I of 1932 ..	The Mysore Irrigation Regulation.	....	81
II of 1932 ..	A Regulation further to amend the Mysore District Boards Regulation, 1926 .. ..	....	101
III of 1932 ..	A Regulation further to amend the Mysore Motor Vehicles Regulation, 1928 .. ..	....	103
IV of 1932 ..	A Regulation further to amend the Mysore Forest Regulation No. XI of 1900 .. ..	....	104
V of 1932 ..	A Regulation to define and amend the law relating to the sale of goods .. ..	....	105

No. and Year	Title or Short title	Whether repealed or otherwise affected by legislation	Page
VI of 1932 ..	A Regulation further to amend the Indian Contract Act, 1872 as in force in Mysore .. ..	....	125
VII of 1932 ..	A Regulation further to amend the Mysore Land Acquisition Regulation, 1894 .. ..	....	127
VIII of 1932 ..	A Regulation to impose a tax on Entertainments and other amusements .. ..	....	128
IX of 1932 ..	A Regulation to provide for the imposition of a tax on certain forms of betting .. ..	....	134
I of 1933 ..	A Regulation further to amend the Mysore Limitation Regulation, 1911 .. ..	....	139
II of 1933 ..	A Regulation further to amend the Code of Criminal Procedure, 1904.	....	141
III of 1933 ..	A Regulation to amend the Mysore University Regulation ..	....	143
IV of 1933 ..	A Regulation to repeal certain enactments, whereby breaches of contract by labourers are made punishable under the Criminal law .. ..	....	161
V of 1933 ..	A Regulation to amend the Mysore Elementary Education Regulation, 1930 .. ..	....	162
VI of 1933 ..	A Regulation to amend the Mysore Co-operative Societies Regulation VII of 1918 .. ..	....	163
VII of 1933 ..	A Regulation to make better provision for the management of municipal affairs in Cities in Mysore .. ..	....	175
VIII of 1933 ..	A Regulation to make better provision for the management of municipal affairs in towns in Mysore .. ..	....	339
IX of 1933 ..	A Regulation to make better provision for the administration of small municipalities in Mysore.	....	474
X of 1933 ..	A Regulation to amend the Hindu Law as to the rights of women and in certain other respects ..	....	526
XI of 1933 ..	A Regulation to amend the law relating to the protection of copy right in Mysore ..	....	540

No. and Year	Title or Short title	Whether repealed or otherwise affected by legislation	Page
XII of 1933 ..	A Regulation to amend the Mysore Lunacy Regulation, 1916 ..	....	560
XIII of 1933 ..	A Regulation further to amend the Code of Criminal Procedure, 1904, for a certain purpose ..	....	562
XIV of 1933 ..	A Regulation further to amend the Criminal Tribes Regulation, 1916.	....	564

TABLE OF CONTENTS.

Sections.	Subject matter.	Page.
	REGULATION I OF 1929.	1
A	REGULATION TO AMEND REGULATION, No. III OF 1911, FOR CERTAIN PURPOSES.	
1.	Short title and commencement.	
2.	Amendment of Section (1).	
	REGULATION II OF 1929.	2
A	REGULATION TO AMEND THE MYSORE DISTRICT BOARDS REGULATION.	
1.	Amendment of Section 11.	
	REGULATION III OF 1929.	3
A	REGULATION FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, 1906.	
1.	Amendment of Section 15.	
2.	Amendment of Section 31.	
	REGULATION IV OF 1929.	4
A	REGULATION TO AMEND THE MYSORE PREVENTION OF ADULTERATION REGULATION IX OF 1921.	
	Preamble.	
1.	Amendment of Section 2.	
2.	Amendment of Section 12.	
3.	Amendment of Section 17.	
	REGULATION V OF 1929.	5-11
A	REGULATION TO AMEND THE MYSORE CO-OPERATIVE SOCIETIES REGULATION, 1918.	
	Preamble.	
1.	Amendment of Section 4.	
2.	Special provisions for Land Mortgage Banks.	
52.	Definitions.	
53.	Bye-laws subject to previous approval of Government ; Contents of bye-laws.	

Sections.	Subject matter.	Page.
54.	Power of Government to nominate one member to Committee and Board of Supervision.	
55.	Appointment of representatives of debenture holders to Committee and Board of Supervision.	
56.	Issue of Debentures.	
57.	Debentures to be negotiable instruments and securities for investing trust funds.	
58.	Purposes for which loans may be granted.	
59.	When a loan may be recalled.	
60.	Remedies if a loan recalled is not repaid.	
61.	Bank's rights not affected by subsequent transfer of mortgaged land.	
62.	Bank's duties on taking possession of mortgaged land.	
63.	Execution of order of sale made by the Registrar.	
64.	Registrar when to take an account.	
65.	Execution of orders for possession and restoration of possession.	
66.	Rules.	
67.	Application of other provisions of Regulation.	

REGULATION VI OF 1929.

12-17

A REGULATION TO PROVIDE FOR THE BETTER REGULATION OF COTTON GINNING AND COTTON PRESSING FACTORIES.

Preamble.

1. Short title, extent and commencement.
2. Definitions.
3. Maintenance of registers.
4. Marking of bales.
5. Returns.
6. Scales and weights.
7. Liability of lessee as owner.
8. Liability on transfer of ownership.
9. Structural requirements for factories.
10. Liability of officers of a company.
11. Cognizance of offences.
12. Power of the Government to make rules.
13. Power to reject unmarked bales in fulfilment of contracts.
14. Protection for acts done under Regulation.

REGULATION No. I of 1930.

18-19

A REGULATION TO AMEND THE GOVERNMENT SAVINGS BANKS ACT, 1873, AS IN FORCE IN MYSORE.

Preamble.

1. Amendment of Section 3.
2. Substitution of a new Section for Section 4.
3. Amendment of Sections 6 and 7.
4. Amendment of Section 8.
5. Amendment of Section 14.

IX

Sections.	Subject matter.	Page.
	REGULATION No. II of 1930.	20-21

A REGULATION TO AMEND THE MYSORE SECURITIES REGULATION.
1925, FOR CERTAIN PURPOSES.

Preamble.

1. Short Title.
2. Amendment of Section 9, Regulation VIII of 1925.
3. Insertion of new Section 17-A.
Discharge in respect of interest.

REGULATION No. III of 1930.

22-27

A REGULATION FURTHER TO AMEND THE MYSORE INCOME-TAX
REGULATION, 1923, FOR CERTAIN PURPOSES.

1. Short title and commencement.
2. Amendment of Section 10.
3. Amendment of Section 14.
4. Insertion of new Section 19-A.
Supply of information *re* dividends.
5. Insertion of new Section 25-A.
Assessment after partition of a Hindu undivided family.
6. Amendment of Section 26.
Change of constitution of a firm.
Change of ownership of business.
7. Amendment of Section 35.
8. Amendment of Section 42.
9. Amendment of Section 46.
10. Amendment of Section 51.
11. Amendment of Section 52.
12. Amendment of Section 56.
13. Amendment of Section 57.
14. Amendment of Section 58.
15. Amendment of Section 59.
16. Amendment of Section 66.
17. Insertion of new Section 66-A.
Reference to be heard by Benches of the High Court.

REGULATION No. IV of 1930.

28-29

A REGULATION FURTHER TO AMEND THE MYSORE PREVENTION OF
ADULTERATION REGULATION, 1921.

Preamble.

1. Short title.
2. Amendment of Section 2.
3. Amendment of Section 5.
4. Amendment of Section 20.

Sections.	Subject matter.	Page.
	REGULATION No. V of 1930.	30-34

A REGULATION TO PROVIDE FOR CERTAIN MATTERS IN CONNECTION WITH
THE TAKING OF THE CENSUS.

Preamble.

1. Title, extent and commencement.
2. Appointment of Census Officers.
3. Proof of appointment of Census Officers, and their status as public servants.
4. Discharge of duties of Census Officers in certain cases.
5. Power of District Magistrate to call upon certain persons to give assistance.
6. Asking of questions by Census Officers.
7. Obligation to answer questions.
8. Occupier to allow access, and permit affixing of numbers.
9. Occupier or manager to fill up schedule.
10. Penalties.
11. Jurisdiction in prosecutions.
12. Records of Census not open to inspection or admissible in evidence in certain proceedings.
13. Temporary suspension of local enactments and rules as to mode of taking census in municipalities.
14. Power in regard to expenses.
15. Power to make rules.

REGULATION No. VI of 1930.	35
----------------------------	----

A REGULATION FURTHER TO AMEND THE CODE OF CIVIL PROCEDURE, 1911.

REGULATION No. VII of 1930.	36
-----------------------------	----

A REGULATION FURTHER TO AMEND THE INDIAN PENAL CODE
AS IN FORCE IN MYSORE.

REGULATION No. VIII of 1930.	37
------------------------------	----

A REGULATION FURTHER TO AMEND THE MYSORE DISTRICT BOARD
REGULATION, 1926.

1. Amendment of Section 35.

REGULATION No. IX of 1930.	38
----------------------------	----

A REGULATION FURTHER TO AMEND THE MYSORE MUNICIPAL
REGULATION, 1906.

- 138-A. Licenses to be taken for burning bricks for other than trade purposes.

REGULATION No. X of 1930.

39-54

MYSORE ELEMENTARY EDUCATION REGULATION.

1. Short title, extent and commencement.
2. Definitions.
3. Local authorities which may be declared Local Education Authorities.
4. Vesting of responsibility in Local Education Authorities.
5. Transfer of Government and village aided schools to Local Education Authorities.
6. Absorption of staff of the schools transferred to Local Education Authorities.
7. Tuition fee not to be charged.
8. Conformity to standards in the matter of teaching, equipment, etc.
9. Departmental inspection and control.
10. Penalty for non-compliance with Departmental requirements.
11. Power to levy cesses, raise loans and collect subscriptions, etc.
12. Existing sanctioned expenditure from education cess for other purposes to continue.
13. Constitution of Elementary Education Fund.
14. Property and funds how to be applied.
15. (1) Power to deposit and invest surplus funds.
(2) Surplus not so deposited or invested how to be dealt with.
(3) Transfer of immovable property.
16. Submission to Government of budget of income and expenditure.
17. Audit of accounts.
18. Submission to Government of prescribed reports and statements.
19. Constitution of School Boards.
20. Term of School Boards and casual vacancies.
21. Powers and duties of School Boards.
22. Annual budget of School Board.
23. Delegation of duties by School Boards.
24. School Board Officer.
25. Appointment of subordinate staff.
26. Appointment of officers of Education Department as School Board Officers, etc.
27. Preparation and submission of programme and statement.
28. Sanction of the programme by Government.
29. Government grant for scheme.
30. Scheme to be put into operation by the Local Education Authority.
31. Modification and supplementing of sanctioned scheme.
32. Default by Local Education Authority.
33. Programmes of Compulsory Education.
34. Sanction of programme by Government and notification.
35. Government grant towards cost of scheme.
36. Scheme to be put into operation by the Local Education Authority.
37. Withdrawal or modification of a scheme of compulsion.
38. Default by Local Education Authority.
39. Duty of parent to send child to school.
Non-attendance when excusable.
40. No compulsion regarding attendance of religious classes.
41. Prohibition of child's employment.

Sections.	Subject matter.	Page.
42.	Appointment of School Committees.	
43.	(a) Prosecution of parent.	
	(b) Penalty for repeated non-compliance.	
44.	Employer's liabilities.	
45.	Delegation of powers to Municipal Councils and Village Panchayets.	
46.	Recovery of expenses payable to Government but not paid by the Local Education Authority.	
47.	Delegation of powers by Government.	
48.	Power to make rules.	
49.	Repeal.	

REGULATION No. XI OF 1930.	55-56
----------------------------	-------

A REGULATION TO DEFINE AND LIMIT THE POWERS OF THE HIGH COURT OF MYSORE IN PUNISHING CONTEMPTS OF COURTS.

1. Short title, extent and commencement.
2. Definition of contempt of Court.
3. Punishment for Contempt of Court.
4. Power of High Court to take cognizance of offences under the Regulation.
5. Powers and procedure of High Court.

REGULATION No. XII OF 1930.	57
-----------------------------	----

A REGULATION TO DESIGNATE THE CHIEF COURT AS THE HIGH COURT OF MYSORE.

1. Short title and commencement.
2. Change of designation of Chief Court and Chief Judge.

REGULATION No. XIII OF 1930.	58
------------------------------	----

A REGULATION TO AMEND THE MYSORE COFFEE CESS REGULATION XIII OF 1925.

REGULATION No. I OF 1931.	59-60
---------------------------	-------

A REGULATION TO AMEND THE MYSORE LIMITATION REGULATION, 1911.
Insertion of New Section 30-A.

REGULATION No. II OF 1931.	61-62
----------------------------	-------

REGULATION FURTHER TO AMEND THE MYSORE INCOME-TAX REGULATION 1923.

1. Short Title and Commencement.
2. Amendment of Section 3 of Regulation V of 1923.
3. Schedules of rates of Income-tax and Super-tax.

XIII

Sections.	Subject matter.	Page.
	REGULATION No. III OF 1931.	63-64
	A REGULATION FURTHER TO AMEND THE TANK PANCHAYET REGULATION, 1911.	
1.	Amendment of Section 15.	
2.	Amendment of Section 16.	
3.	Amendment of Section 18.	
	REGULATION No. IV OF 1931.	65-66
	REGULATION TO AMEND THE MYSORE MOTOR VEHICLES REGULATION, 1928.	
	Substitution of Section 18.	
	REGULATION No. V OF 1931.	67-73
	A REGULATION FOR THE REGISTRATION OF MEDICAL PRACTITIONERS IN MYSORE.	
1.	Short title.	
	(ii) Extent.	
2.	Commencement of the Regulation.	
3.	Definitions.	
4.	Privileges of registered practitioners.	
5.	Medical Council.	
6.	Qualifications for membership of Council.	
7.	Tenure of office of members.	
8.	Members of the first Council.	
9.	Cessation of membership.	
10.	Filling up of vacancies.	
11.	Registrar and other officers.	
12.	Medical register.	
13.	Meetings of Council.	
14.	Persons entitled to be registered.	
15.	Registration fee.	
16.	Appeal to Council from decision of Registrar.	
17.	Fraudulent entry.	
	(2) Removal from Register.	
18.	Council may appoint a Committee for inquiries.	
	(2) Committee to be deemed a Court.	
19.	Appeal to Government.	
20.	Bar to suits and other legal proceedings.	
21.	Alteration of schedule.	
22.	Power of Council to call for information, etc.	
23.	Control by the Government.	
24.	Penalty on un-registered person representing that he is registered.	
25.	Power to make rules and bye-laws.	

Sections.	Subject matter.	Page.
	REGULATION No. VI OF 1931.	74-75

A REGULATION FURTHER TO AMEND THE MYSORE MUNICIPAL
REGULATION, 1906.

- 141-A. Registry of shops for sale of European drugs.
 (2) Certificated dispensers.
 141-B. Uncertificated person dispensing drugs.

	REGULATION No. VII OF 1931.	76-79
--	-----------------------------	-------

A REGULATION FURTHER TO AMEND THE MYSORE VILLAGE PANCHAYET
REGULATION, 1926.

Preamble.

1. Short title.
2. Amendment of Section 1.
3. Amendment of Section 3.
6. Addition of a new Section 40-A.
7. Substitution of a new Section to Section 43.
9. Substitution of a new Sub-Section for Section 55 (2).
10. Substitution of a new Sub-Section for Section 56 (3).
11. Addition of a new Section 58-A.
12. Addition of a new Section 61-A.

	REGULATION No. VIII OF 1931.	80
--	------------------------------	----

REGULATION TO AMEND THE MYSORE LAND RECORD OF RIGHTS
REGULATION, 1927.

	REGULATION No. I OF 1932.	81-100
--	---------------------------	--------

THE MYSORE IRRIGATION REGULATION No. I OF 1932.

Preamble.

1. Short Title.
2. Extent and commencement.
3. Definitions.
 - (1) 'Irrigation Work.'
 - (2) 'New Irrigation Work.'
 - (3) 'Water Course.'
 - (4) 'Drainage Work.'
 - (5) 'Deputy Commissioner.'
 - (6) 'Irrigation Officer.'
 - (7) Amildar.
 - (8) 'Owner.'
 - (9) Occupier.
 - (10) 'Magistrate'.

Sections.	Subject matter.	Page.
4.	Appointment of officers.	
5.	Power to enter upon land for purposes of inspection, etc.	
6.	Powers for repairing or preventing damage to an irrigation work.	
7.	Notice of intended entry on private property to be given in certain cases.	
8.	Construction, extension, improvement or alteration of a water course on the application of person interested.	
9.	No alteration of water course except with consent of Irrigation Officer.	
10.	Obligations of owners of land receiving supply from water course.	
11.	Enforcement of said obligations.	
12.	Settlement of disputes concerning water-courses.	
13.	Regulation of water-supply from irrigation works.	
14.	Supply of water from a new irrigation work.	
15.	Supply of water not to be stopped except under certain circumstances.	
16.	Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.	
17.	Right to the supply of water passes with the property entitled to the supply.	
18.	Compensation awardable for damage. Remission of water-rates when allowable.	
19.	Limitation of claims.	
20.	Compensation for damage caused by entry on land, etc.	
21.	Enquiry as to compensation.	
22.	Claims to be preferred to the Deputy Commissioner. Deputy Commissioner to determine the amount of compensation.	
23.	Appeal.	
24.	Compensation when due.	
25.	Preliminary enquiry to be held when the levy of acreage contribution or water-rate or both is necessary for undertaking construction or improvement of an Irrigation work.	
26.	Procedure in holding the enquiry.	
27.	Report of the enquiring officer.	
28.	Government may abandon or proceed with the scheme.	
29.	Publication of the scheme as finally approved by the Government.	
30.	Levy of contribution and water-rate on lands within the benefited area.	
31.	Impressment of labour for urgent works of repair, etc. Report to be made by Irrigation Officer.	
32.	Payment for labour impressed.	
33.	Appeals against orders under section 32.	
34.	Works for which customary labour is enforceable.	
35.	Nature of, and persons liable to perform, customary labour and the levy of cash contribution in lieu of labour.	
36.	Village Patel responsible for due performance of customary labour.	
37.	Execution of work with hired labour on failure of customary labour.	
38.	Determination of quantum of labour to be contributed.	
39.	Penalty for failure to perform customary labour.	
40.	Constitution of an Irrigation Panchayet.	
41.	Constitution of an Irrigation Board.	

Sections.	Subject matter.	Page.
44.	Dissolution of Panchayet.	
46.	Offences under the Regulation.	
47.	Penalty.	
48.	Persons convicted under Section 46 liable to repair the damage, etc.	
49.	Recovery of cost of repairing damage when the offender is unascertainable.	
50.	Punishment under other laws not barred.	
51.	Power to remove obstruction or damage to works.	
52.	Power of revision.	
53.	Power to summon and examine witnesses.	
54.	Manner of serving notices.	
55.	Jurisdiction of Civil Courts barred.	
56.	Power to make rules.	

REGULATION No. II of 1932. 101-102

A REGULATION FURTHER TO AMEND THE MYSORE DISTRICT BOARDS
REGULATION, 1926.

68. Power of District Board to levy Railway Cess.

REGULATION No. III of 1932. 103

A REGULATION FURTHER TO AMEND THE MYSORE MOTOR VEHICLES
REGULATION, 1928.

Preamble.

Addition of a new Section 18A to the Regulation.

Recovery of moneys, cess, fee, etc., as an arrear of land revenue.

REGULATION No. IV of 1932. 104

A REGULATION FURTHER TO AMEND THE MYSORE FOREST
REGULATION No. XI of 1900.

Addition of a proviso to Section 73 (2).

REGULATION No. V of 1932. 105-124

A REGULATION TO DEFINE AND AMEND THE LAW RELATING TO THE
SALE OF GOODS.

1. Short title, extent and commencement.
2. Definitions.
3. Application of provisions of Act IX of 1872.
4. Sale and agreement to sell.
5. Contract of sale how made.

6. Existing or future goods.
7. Goods perishing before making of contract.
8. Goods perishing before sale but after agreement to sell.
9. Ascertainment of price.
10. Agreement to sell at valuation.
11. Stipulations as to time.
12. Condition and warranty.
13. When condition to be treated as warranty.
14. Implied undertaking as to title, etc.
15. Sale by description.
16. Implied conditions as to quality or fitness.
17. Sale by sample.
18. Goods must be ascertained.
19. Property passes when intended to pass.
20. Specific goods in a deliverable state.
21. Specific goods to be put into a deliverable state.
22. Specific goods in a deliverable state, when the seller has to do anything thereto in order to ascertain price.
23. Sale of unascertained goods and appropriation.
(2) Delivery to carrier.
24. Goods sent on approval or "on sale or return."
25. Reservation of right of disposal.
26. Risk *prima facie* passes with property.
27. Sale by person not the owner.
28. Sale by one of joint owners.
29. Sale by person in possession under voidable contract.
30. Seller or buyer in possession after sale.
31. Duties of seller and buyer.
32. Payment and delivery are concurrent conditions.
33. Delivery.
34. Effect of part delivery.
35. Buyer to apply for delivery.
36. Rules as to delivery.
37. Delivery of wrong quantity.
38. Instalment deliveries.
39. Delivery to carrier or wharfinger.
40. Risk where goods are delivered at distant place.
41. Buyer's right of examining the goods.
42. Acceptance.
43. Buyer not bound to return rejected goods.
44. Liability of buyer for neglecting or refusing delivery of goods.
45. "Unpaid seller" defined.
46. Unpaid seller's rights.
47. Seller's lien.
48. Part delivery.
49. Termination of lien.
50. Right of stoppage in transit.
51. Duration of transit.
52. How stoppage in transit is effected.
53. Effect of sub-sale or pledge by buyer.
54. Sale not generally rescinded by lien or stoppage in transit.
55. Suit for price.
56. Damages for non-acceptance.

Sections.	Subject matter.	Page.
57.	Damages for non-delivery.	
58.	Specific performance.	
59.	Remedy for breach of warranty.	
60.	Repudiation of contract before due date.	
61.	Interest by way of damages and special damages.	
62.	Exclusion of implied terms and conditions.	
63.	Reasonable time a question of fact.	
65.	Repeal.	
66.	Savings.	

REGULATION No. VI of 1932. 125-126

A REGULATION TO AMEND THE INDIAN CONTRACT ACT, 1872,
AS IN FORCE IN MYSORE.

1. Short title and commencement.
 2. Amendment of Section 178.
Pledge by mercantile agent.
- 178-A. Pledge by person in possession under voidable contract.

REGULATION No. VII of 1932. 127

A REGULATION FURTHER TO AMEND THE MYSORE LAND ACQUISITION
REGULATION, 1894.

Amendment of Section 3 of the Regulation.

REGULATION No. VIII of 1932. 128-133

A REGULATION TO IMPOSE A TAX ON ENTERTAINMENTS AND OTHER
AMUSEMENTS.

- Preamble.
1. Short title, extent and commencement.
 2. Definitions.
 3. Tax on payments for admission to entertainments.
 4. Admission to entertainments.
 5. Penalty for non-payment of tax.
 6. Sections 4 and 5 not to apply in certain cases.
 7. Manner of payment.
 8. Exemptions.
 9. Refunds in certain circumstances.
 10. Recoveries.
 11. Inspection.
 12. Rules.
 13. Power of Government to delegate certain powers.
 14. Apportionment of the proceeds of the tax.

Sections.	Subject matter.	Page.
	REGULATION No. IX of 1932.	134-138

A REGULATION TO PROVIDE FOR THE IMPOSITION OF A TAX ON
CERTAIN FORMS OF BETTING.

Preamble.

1. Short title, extent, and commencement.
2. Definitions.
3. Tax on totalisators and payment thereof.
4. Procedure for making over totalisator tax to Government.
5. Accounts of totalisator tax.
6. Betting tax.
7. Procedure for making over betting tax to Government.
8. Accounts of betting tax.
9. Methods of recovery of totalisator tax and betting tax.
10. Rules.
11. Punishment.
12. Amendment of Section 4 of the Mysore Police Regulation, 1908.
 - (1) 'Gaming.'
 - (2) "Instruments of gaming."
13. Amendment of Section 63 of the Mysore Police Regulation, 1908.

REGULATION No. I of 1933.	139-140
---------------------------	---------

A REGULATION FURTHER TO AMEND THE MYSORE LIMITATION
REGULATION, 1911.

1. (i) Short title and commencement.
2. Amendment of Article 5 of First Schedule.
3. Amendment of Article 159 of the First Schedule.

REGULATION No. II of 1933.	141-142
----------------------------	---------

A REGULATION FURTHER TO AMEND THE CODE OF CRIMINAL PROCEDURE,
1904.

Addition of a new Section 58-A.

Pursuit and arrest in Mysore of persons accused of offences committed elsewhere.

REGULATION No. III of 1933.	143-160
-----------------------------	---------

THE MYSORE UNIVERSITY REGULATION.

Preamble.

1. Short Title.
2. Commencement.
3. Definitions.
4. Incorporation.
5. Power to provide for instruction, to grant degrees, etc.
6. Power to hold and to dispose of property.
7. Chancellor.

ions.	Subject matter.	Page.
8.	Pro-Chancellor.	
9.	Officers of the University.	
10.	Vice-Chancellor.	
11.	Registrar.	
12.	Authorities.	
13.	Constitution.	
14.	(1) Council, its Function and powers. (2) Constitution.	
15.	Academic Council.	
16.	(1) Faculties. (2) Constitution. (4) Function. (6) Dean.	
17.	Institutions.	
18.	University fund.	
19.	Powers of Government.	
20.	Statutes.	
21.	Procedure for making Statutes.	
22.	First statutes.	
23.	Ordinances.	
24.	Procedure for making ordinances.	
25.	Subsidiary rules.	
26.	Privileges, etc., of University employees.	
27.	Acts during vacancies.	
28.	Continuation of present ordinances.	
29.	Removal by Government of difficulties at the commencement of the Regulation.	
30.	Repeal of enactments. Schedule A.	
1.	Vice-Chancellor; Power to convene meetings.	
2.	Quorum.	
3.	Registrar; Powers and duties.	
4.	University Institutions other than constituent colleges.	
5.	Degrees. Honorary Degrees.	
6.	Conferment of Honorary Degrees.	
7.	Cancellation of Degrees, etc.	
8.	Accounts of University Fund.	
9.	Audit of accounts.	
10.	Budget.	
11.	Senate to consider the Budget.	
12.	Budget to be submitted to the Government.	
13.	(i) Ordinances. (ii) Procedure relating to making amending and repealing.	
14.	(1) Academic Ordinances.	
15.	Administrative Ordinances.	
16.	Ordinances to be considered by the Senate.	
17.	Academic Ordinances to be submitted to the Senate.	
18.	Procedure of Senate in regard to Ordinances.	
19.	Assent of Government to proposals relating to Ordinances necessary.	
20.	Council duties of.	
21.	Academic Council, duties of.	
22.	(1) Registration of Graduates.	

Sections.	Subject matter.	Page.
	REGULATION No. IV of 1933.	161

A REGULATION TO REPEAL CERTAIN ENACTMENTS WHEREBY BREACHES OF CONTRACT BY LABOURERS ARE MADE PUNISHABLE UNDER THE CRIMINAL LAW.

1. (1) Short title and commencement.
2. Repeals.

	REGULATION No. V of 1933.	162
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A REGULATION TO AMEND THE MYSORE ELEMENTARY EDUCATION REGULATION X OF 1930.

Preamble.

1. Addition of an explanation to Section 4.
2. Addition of a new Sub-Section to Section 11.
3. Amendment of the first proviso of Section 49 (2).

	REGULATION No. VI of 1933.	163-174
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A REGULATION FURTHER TO AMEND THE MYSORE CO-OPERATIVE SOCIETIES REGULATION VII OF 1918.

1. Amendment of Section 2.
2. Insertion of sub-Section 2 to Section 9.
3. Addition of sub-Section 4 to Section 11.
4. Substitution of a new Section for Section 13.
5. Amendment of Section 17.
6. Amendment of Section 35.
7. Substitution of a new Section for Section 36.
Inspection of books of indebted societies.
8. Addition of a new Section 36-A.
Inspection of books by financing bank.
9. Amendment of Section 37.
10. Addition of a new Section 38-A.
Supersession of Committee.
11. Amendment of Section 39.
12. Amendment of Section 42.
Winding up.
13. Addition of new Sections 42-A and 42-B.
42-A. Surcharge.
- 42-B. Attachment of property.
14. Addition of a new Section 43-A.
Disputes.
15. Addition of a new Section 43-B.
Summoning of witnesses.
16. Addition of a new Section 43-C.
(1) Money how recovered.
17. Addition of new Sections 43-D, 43-E, 43-F and 43-G.
43-D. Offences.

Sections.	Subject matter.	Page.
43-E.	Punishment for disposing of property in contravention of Section 19.	
43-F.	Punishment for offences not otherwise provided for.	
43-G.	Cognisance of offences.	
18.	Addition of a new Section 43-H. Power of Government and Registrar to call for proceedings and to pass orders thereon.	
19.	Amendment of Section 44.	
20.	Amendment of Section 52.	
21.	Amendment of Section 53.	
22.	Amendment of Section 54.	
23.	Amendment of Section 55.	
24.	Amendment of Section 58.	
25.	Amendment of Section 66.	
26.	Amendment of Section 67.	

REGULATION No. VII of 1933.

175-338

A REGULATION TO MAKE BETTER PROVISION FOR THE MANAGEMENT OF
MUNICIPAL AFFAIRS IN CITIES IN MYSORE.

1. (1) Short title.
(2) Local extent.
(3) Commencement.
2. Repeal.
(a) Saving clause.
3. Interpretation Section.
4. (1) Delimitation of city municipalities.
(2) Limits to be specified in notification.
(3) Erection and maintenance of boundary marks.
(4) Property and rights of municipal council which has ceased to exist to vest in Government.
5. Conversion of town municipalities into city municipalities.
6. (1) What local areas may be declared to be city municipalities.
(2) Naming of municipalities comprising two or more places.
7. City municipalities.
8. Constitution and incorporation of city municipal councils.
9. (1) Municipal councils to consist of elected and nominated councillors.
(2) In specified proportions.
10. Government may determine the number of councillors; fix proportion of elected and nominated councillors.
11. (1) Operation of lists.
(2) Right to vote to depend on entry in roll.
(3) Enrolment in municipal election roll necessary for elected councillor.
Representative of associations.
12. (1) General disqualifications for becoming a councillor.
(2) Disabilities from continuing a councillor.
(3) Power of Government to decide whether vacancy has occurred
13. Resignation.
14. Liability to removal from office.

Sections.	Subject matter.	Page.
15.	Term of office.	
16.	Casual vacancies how to be filled up.	
17.	Casual vacancies occurring by increasing the number of councillors.	
18.	Re-eligibility of councillors.	
19.	Publication of names of councillors and presidents and vice-presidents in the Official Gazette.	
20.	(1) Determination of validity of elections; enquiry by Judge; (2) Procedure. (3) (a) Declaration in case of corrupt practice by a candidate. (b) Scrutiny of votes and declaration in other cases. (4) What is a corrupt practice. Candidate when deemed to have committed corrupt practice. Promise of individual profit. (5) Mere irregularities and informalities not to invalidate election. (6) Disqualification of candidate for corrupt practice.	
21.	Bar of suits relating to elections, etc.	
22.	(1) Municipal Government to vest in the municipal council.	
23.	(1) Every municipal council to have a president and if the municipal council so desires, a vice-president. (2) President to be appointed or elected. (3) Effect of notification of <i>ex-officio</i> president. (4) Vice-president to be elected. (5) Salaried servants of Government ineligible for election. (6) When Deputy Commissioner may perform functions of president. (7) Consequence of absence of president or vice-president without leave. (8) Limit of grant of leave and arrangements during leave. (9) Vacation of office by vice-president on becoming president. (10) Vacation of office by president and vice-president for want of confidence. (11) Removal of presidents and vice-presidents. (12) Term of office of president and vice-president. (13) Vacancies in their office how to be filled up. (14) Remuneration of president and vice-president of municipal council.	
24.	(1) Functions of presidents. (3) Channel of communication with Government.	
25.	Custody of records.	
26.	Functions of vice-presidents.	
27.	Provisions in regard to meetings of a municipal council. (1) Ordinary general meetings. (2) Special general meetings. (3) Notice to be given of meetings. (4) Municipal meetings to be held at municipal office. (5) Meeting how presided over in the absence of the president and vice-president. (6) Meeting must ordinarily be open to the public. (7) Number of councillors required to form a quorum. (8) Business to be transacted at meetings, and order of business how to be settled. (9) Minutes of proceedings to be kept. (10) All questions must be decided by a majority of votes.	

Sections.	Subject matter.	Page.
	(11) Councillor not to vote on questions in which he has pecuniary interest.	
	(12) Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.	
	(13) Adjournments of meetings.	
	(14) Modification and cancellation of resolutions.	
	(15) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.	
	(16) (a) Certain Government officers may attend meetings of municipal councils.	
	(b) Municipal council may require the presence of certain of the said officers at their meetings.	
28.	Right of municipal commissioner to be present and to speak at municipal meetings.	
29.	Rights and privileges of individual councillors and president.	
30.	(1) Managing Committee.	
	(2) Powers of managing committees.	
31.	Other committees.	
32.	When persons other than Councillors may serve on committees. Duties, etc., of such persons.	
33.	Casual vacancies—Re-eligibility.	
34.	(1) When chairman to be <i>ex-officio</i> .	
	(3) When no <i>ex-officio</i> chairman, municipal council may appoint chairman.	
	(4) When <i>ex-officio</i> or appointed chairman does not attend meeting, committee may appoint chairman of meeting.	
	(5) If there is no chairman, <i>ex-officio</i> or appointed by the municipal council.	
35.	(1) Procedure at meetings.	
	(2) Committees shall meet when they think proper.	
	(3) Number of members required to form quorum at committee meetings.	
36.	(1) Procedure by circular.	
	(2) Propositions when to be sent to Government officers for remarks.	
	(3) Decisions how to be taken on propositions circulated.	
	(4) and how to be recorded.	
37.	(1) Subordination of committees to instructions of municipal council, and compliance with requisitions of municipal council.	
	(2) Orders subject to revision and appeal.	
38.	Powers, duties and functions may be delegated to officers whose expenses may be paid.	
39.	(1) Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.	
	(2) Proceedings of meetings to be good and valid, until the contrary is proved.	
	(3) Vacancy not to affect municipal council's proceedings.	
40.	Joint committees of two or more municipal councils.	
41.	(1) Competency of municipal council to lease, sell and contract.	
	(2) Subject in certain cases to sanction of Government.	
	(3) (a) Sanction by resolution at general meeting requisite to validity of certain contracts.	
	(4) Sanction of municipal council when requisite in other cases.	
	(5) When tenders should be invited.	

Sections.	Subject matter.	Page.
	(6) Sanction by committees and individuals empowered.	
	(7) Mode of executing contracts.	
	(8) Invalidity of contracts unless requirements of section are fulfilled.	
42.	Contracts by officers appointed by Government to execute municipal works and payment for such works.	
43.	Acquisition of land.	
44.	(1) Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.	
	(2) Liability of president, vice-president, members, and officers for loss, waste or misapplication.	
45.	(1) Officer or servant of any municipal council not to be interested in any contract with such municipal council.	
	(2) Effect of acquiring such interest.	
	(3) Saving clause.	
46.	Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.	
47.	(1) Notice to sweepers and scavengers before discharge.	
	(2) Penalty for withdrawal of sweepers and scavengers without notice.	
	(3) Application of sub-Section (1) and (2) to other municipal servants.	
48.	(1) Councillors, etc., to be deemed public servants.	
49.	Municipal councils to make rules.	
	(a) Regulating the conduct of business.	
	(b) Fixing the functions of the president and the establishment.	
	(c) For general guidance of municipal servants.	
	(d) Fixing the amount of the security to be furnished.	
	(e) Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.	
	(f) Granting leave to municipal servants.	
	(g) Contributing to provident funds.	
	(h) Prescribing the taxes, etc., to be levied for municipal purposes.	
	(i) For writing off amounts due and remitting fees.	
	Approval required to rules.	
50.	Power to suspend, reduce or abolish any existing tax.	
51.	(1) Power to make by-laws.	
	(a) For markets and slaughter houses, etc.	
	(b) For licensing, regulating and inspecting certain businesses.	
	(c) Regulating the stalling of cattle, etc.	
	(d) (i) For regulating dairies and cattle-sheds.	
	(ii) Milk-stores, etc.	
	(e) For inspection of weights and measures.	
	(f) For registration of births, etc.	
	(g) Regulating the disposal of the dead.	
	(h) For enforcing information as to epidemics.	
	(i) For enforcing information as to liability to municipal taxation.	
	(k) Octroi by-laws.	
	(l) Terminal Tax.	
	(m) For protecting water.	
	(n) Regulating public baths, etc.	
	(o) For conservancy.	

Sections.	Subject matter.	Page.
	(p) For constructing houses for the poor.	
	(q) For the disposal of carcasses.	
	(r) Regulating structures and buildings.	
	(s) For regulating construction or use of buildings.	
	(t) For providing for streets.	
	(u) For ensuring ventilation.	
	(v) Control of drains.	
	(w) Requiring information and plans in certain cases.	
	(x) For controlling unwieldy traffic.	
	(y) Public parks.	
	(z) Requiring qualified surveyors and plumbers.	
	(aa) For licensing factories, the use of steam whistles, etc.	
	(bb) General.	
	Fine may be imposed for infringement of by-laws.	
	(2) Publication of drafts of proposed by-laws.	
	(3) Objections and suggestions to be submitted to Government.	
52.	Rules and by-laws to be printed and sold.	
53.	(1) Power to acquire and hold property.	
	(2) Property vested in the municipal council.	
	(3) Power to Government to resume property.	
54.	Municipal fund.	
	Provision as to special trusts.	
55.	Application of municipal fund and property.	
56.	(1) Power to deposit and invest surplus funds.	
	(2) Surplus not so deposited or invested how to be dealt with.	
57.	Power of municipal councils to borrow money.	
58.	Duties of municipal councils.	
59.	Special duties.	
60.	Power of Government to exempt municipal council from any of the duties.	
61.	Discretionary powers of expenditure of municipal council.	
62.	Arrangements purporting to be binding permanently or for a term of years.	
63.	Management of public institutions maintained by municipal councils to vest in it.	
64.	Taxes which may be imposed.	
65.	Procedure, preliminary to imposing.	
66.	Power to sanction, modify and impose conditions.	
67.	Publication of sanctioned rules with notice.	
68.	Appointment of assessor.	
69.	(1) Preparation of an assessment list.	
	(2) Power to inspect.	
	(3) Returns to be furnished.	
70.	(1) Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.	
	(2) Occupier liable for a rate on buildings or lands or both until he gives information.	
71.	Publication of notice of assessment list.	
72.	(1) Public notice of time fixed for revising assessment list.	
	(2) Revising authority.	
	(3) Objections how to be made.	
	(4) Hearing of objections.	
	(6) Authentication of list.	

Sections.	Subject matter.	Page.
	(7) Custody and inspection of list.	
	(8) Authenticated list how far conclusive.	
73.	(1) Amendment of assessment list.	
	(2) Objections how dealt with.	
	(3) Effect of amendment.	
74.	(1) Notice to be given to the municipal council of demolition or removal of a building.	
75.	(1) New assessment list need not be prepared every year.	
76.	Tax from whom primarily leviable.	
	Recovery from occupiers.	
	Remedy of occupier in such case.	
77.	Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.	
78.	Form of notice.	
79.	Name of transferee to be substituted in the municipal registers.	
80.	Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.	
81.	(1) Remission of tax in case of vacancies; when obligatory.	
	(2) When discretionary.	
	(3) Burden of proof on claimant.	
	(4) Explanatory clause.	
82.	(1) Municipal council may charge fees for certain license.	
	(2) Levy of fees for unauthorised occupation or projection.	
	(3) Market and other fees.	
	(4) Farming of fees.	
	(5) Power of lessee to expel persons who refuse to pay fees.	
83.	(1) Fixed charges and agreements for payment in lieu of taxes for water supplied.	
	(2) Power to fix a special rate in lieu of special sanitary cess.	
	(3) Power to compound tax on vehicles or animals.	
	(4) Composition of toll.	
	(5) Recovery of sums claimed under this section.	
84.	Certain rights not affected by Section 83.	
85.	Power of Government to suspend or prohibit levy of objectionable taxes.	
86.	Power of Government to require municipal council to impose taxes.	
87.	Octroi by-laws to be submitted with proposal for imposition of octroi.	
88.	(1) Power to examine article liable to octroi.	
	(2) Power to search where octroi is leviable.	
89.	(1) Presentation of bills for octroi.	
	(2) Penalty for evasion of octroi.	
90.	(1) Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid.	
	(2) Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.	
	(3) Searches and arrests to be governed by the provisions of the Criminal Procedure Code.	
91.	Tables of tolls to be shown on demand.	
92.	(1) Power to seize vehicle on non-payment of octroi or toll.	

Sections.	Subject matter.	Page.
	(2) Notice of sale.	
	(3) Release of property on payment.	
	(4) Sale.	
	(5) Surplus how dealt with.	
93.	Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.	
94.	Farming of tolls.	
95.	(1) Presentation of bill for taxes.	
	(2) Contents of bill.	
	(3) If bill not paid within fifteen days, notice of demand to issue.	
96.	(1) In what cases warrant may issue.	
	(2) Warrant by whom to be signed.	
	(3) To whom the warrant should be addressed.	
	(4) Power of entry under special order.	
	(5) Warrant how to be executed.	
97.	(1) Sale of goods distrained in special cases.	
	(2) Sale of property distrained; application of proceeds of sale.	
	(3) Surplus, if any, how dealt with.	
98.	Distrain and sale outside the municipality.	
99.	(1) Summary proceedings may be taken against persons about to leave the municipality.	
100.	Fees and costs chargeable.	
101.	(1) Appeal to magistrates.	
	(2) Revision of decisions on appeal.	
102.	Liability of land, buildings, etc., for rates.	
103.	Receipts to be given for all payments.	
104.	(1) Power regarding streets, etc.	
105.	(1) Power to require repair of streets.	
	(2) And to declare such streets public.	
	(4) Power to declare any street a public street subject to objections by the owners.	
106.	Temporary closure of streets.	
107.	(1) New streets.	
	(2) Power of municipal council to pass orders.	
	(3) Right to proceed in certain cases.	
	(4) Penalty.	
108.	The regular line of public street.	
109.	(1) Setting back projecting buildings.	
	(2) Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.	
	(3) Compensation payable by the municipal council.	
110.	Setting forward to regular line of street.	
111.	Buildings at corner of streets.	
112.	(1) Roofs and external walls of buildings not to be made of inflammable materials.	
	(2) Power to require removal of roof and wall if inflammable.	
	(3) Penalty.	
113.	Level of buildings.	
114.	Rat-proof building for warehouse for storing grain.	
115.	(1) Notice of new buildings.	
	(2) Power of municipal council to pass orders.	
	(3) Or to suspend the work or to require further particulars.	
	(4) Right to proceed in certain cases.	

Sections.	Subject matter.	Page.
116.	Power of Government to prohibit the erection of buildings in certain area without permission.	
117.	Regulation of huts.	
118.	Improvement of huts.	
119.	Municipal control over drains, etc.	
120.	Powers for making drains.	
121.	(1) Sufficient drainage of houses. (2) New buildings not to be erected without drains.	
122.	Power of owners and occupiers of buildings or lands to drain into municipal drains.	
123.	Sewage and rain-water drains to be distinct.	
124.	(1) Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by municipal council. (2) Written order of municipal council authority for execution of necessary work.	
125.	Work how to be carried out.	
126.	Rights of owner of land through which drain is carried, in regard to subsequent building thereon.	
127.	Provision of privies, etc.	
128.	Cost of altering, repairing and keeping in proper order privies, etc.	
129.	Power to close existing private drains.	
130.	Power in respect of sewers, etc., unauthorisedly constructed, re-built or un-stopped.	
131.	Encroachment on municipal drains, etc.	
132.	(1) Inspection of drains, etc. (2) Expense of inspection when to be borne by the municipal council.	
133.	(1) Municipal council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same. (2) Expenses in such cases by whom to be paid.	
134.	Power of carrying water mains, etc.	
135.	(1) Permission necessary for certain projections. (3) Removal of projections.	
136.	Troughs and pipes for rain water.	
137.	Fixing of brackets, etc., to houses.	
138.	Naming streets and numbering houses.	
139.	Penalty for defacing buildings, etc.	
140.	Removal and trimming of hedges, trees, etc.	
141.	(1) Ruinous or dangerous buildings. (2) Action to be taken on default by owner or occupier. Proviso if danger is not imminent.	
142.	(1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply. (2) Remedy on non-compliance with directions issued.	
143.	(1) Displacing pavements, etc. (2) Penalty for failure to replace after notice.	
144.	Obstructions and encroachments upon public streets and open spaces.	
145.	Hoardings to be set up during repairs, etc.	
146.	(1) Provision of facilities when work is executed in public street. (2) Fencing and lighting during repairs, etc.	

Sections.	Subject matter.	Page.
147.	Timber not to be deposited or hole made in a street without permission.	
148.	Dangerous quarrying.	
149.	Provision as to dogs.	
150.	Depositing dust, etc.	
151.	Discharging sewage, etc.	
152.	Non-removal of filth, etc.	
153.	Removal of night-soil.	
154.	(1) Filthy buildings, etc. (3) Deserted and offensive buildings.	
155.	Buildings or rooms in buildings unfit for human habitation.	
156.	Power to enter and inspect, etc., buildings.	
158.	Fouling water.	
159.	Abatement of nuisances from wells, etc.	
160.	Regulation or prohibition of certain kinds of cultivation.	
161.	Using offensive manure, etc.	
162.	(1) Tethering cattle, etc. (2) Keeping swine.	
163.	Feeding animals on filth.	
164.	Licensing of goats and pigs.	
165.	Consumption of smoke.	
166.	Licenses to be taken for burning bricks.	
167.	Licensing markets, slaughter-houses and certain businesses.	
168.	Opening, closing, and letting of markets and slaughter-houses.	
169.	Slaughter-houses, etc., beyond municipal limits.	
170.	(1) Registry for shops for sale of European drugs. (2) Certificated dispensers.	
171.	Uncertificated person dispensing drugs.	
172.	(1) Unwholesome articles of food and drink. (2) Adulterated articles for food or drink. Protection to persons acting in good faith. (4) Application for summons to be refused if not applied for within reasonable time.	
173.	False weights and measures and instruments for weighing.	
174.	(1) Power which may at any time be exercised. (4) Penalties for disobedience of an order passed in exercise of such powers.	
175.	(1) Duties of municipal council on threatened or actual outbreak of dangerous disease. (5) Penal clauses.	
176.	(1) Withdrawal and modification of powers and orders.	
177.	Duties of municipal council in respect of disease among horses, dogs, cattle, sheep or goats.	
178.	(1) Proceedings to abate the overcrowding of the interiors of buildings. (2) Procedure of magistrate.	
179.	(1) Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.	
180.	(1) Closing places for disposal of the dead.	
181.	(1) Regulation of certain trades. (2) Liability to penalty after notice. (4) Penalty for unlicensed places in a municipality in which by-laws under section 51 (1) (b) (iii) are in force.	

Sections.	Subject matter.	Page.
182.	Factories in crowded localities.	
183.	Use of siren or whistle for summoning or dismissing workmen.	
184.	Brothels.	
185.	(1) Service of, notices, etc., addressed to individuals. (2) Service of notices, etc., on owners and occupiers of buidlings and lands. (3) Public and general notices how to be published. (4) Defective form not to invalidate notice or bill. (5) Execution of acts required to be done by any notice.	
186.	Punishment for disobedience to orders and notices not punishable under any other section.	
187.	(1) Municipal council in default of owner or occupier may execute work and recover expense. (a) Agreement for construction of drainage and water-connec-tions. (b) Improvement expenses. (2) Power to levy charges on occupier, who may deduct the same from his rent. (3) Occupiers not to be liable for more than the amount of rent due.	
188.	Occupier, in default of owner, may execute works and deduct expenses from his rent.	
189.	Proceedings, if any occupier opposes the execution of the Regu-lation.	
190.	Entry for purposes of the Regulation.	
191.	Arbitration in case of compensation, etc.	
192.	Costs or expenses how determined and recovered.	
193.	(1) Municipal council may prosecute. (2) Jurisdiction of Magistrate.	
194.	Power to compound offences.	
195.	Limitation for distraint, etc.	
196.	Distress lawful though defective in form.	
197.	Damage to municipal property how made good.	
198.	Alternative procedure by suit.	
199.	Power of compromise.	
200.	Assistance for the recovery of rent on land.	
201.	Limitation of suits, etc.	
202.	Power of police officers.	
203.	Prohibition of expenditure not budgetted for.	
204.	(1) Presentation of Accounts. (2) Budget estimates.	
205.	Revision of budget.	
206.	Maintenance of accounts and restrictions on expenditure.	
207.	Audit of accounts.	
208.	Powers of Government auditor.	
209.	(1) Duties of Government auditor. (2) Municipal council to remedy defects.	
210.	Disallowance by Government auditor and order by Deputy Commissioner.	
211.	Appeal from order of Deputy Commissioner.	
212.	Recovery of amounts disallowed.	
213.	Transmission of accounts to Government.	
214.	Publication of accounts.	

Sections.	Subject matter.	Page.
215.	Annual administration report.	
216.	Powers of inspection and supervision.	
217.	Power to inspect the office of municipal council.	
218.	(1) Deputy Commissioner's power of suspending execution of orders, etc., of municipal councils. (2) Deputy Commissioner's order to be reported to Government who may confirm or modify it.	
219.	Extraordinary powers of Deputy Commissioner in case of emergency.	
220.	Agency for execution of public works.	
221.	Special provision in regard to works executed by the Government.	
222.	Government inquiry into municipal matters.	
223.	(1) Power of Government to prevent extravagance in the employment of establishment. (2) Government may require any municipal council to appoint a health officer, or an engineer.	
224.	Power of Government to provide for performance of duties, in default of municipal council.	
225.	Power of Government to direct person in custody of municipal fund to pay Government dues.	
226.	(1) Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers. (2) Consequences of exercise of such power. (4) Power after enquiry to continue period of supersession.	
227.	Disputes between a city municipal council and one or more other local authorities.	
228.	Power of Government to make rules and orders.	
229.	Power of Government to cancel or modify by-laws and rules of municipal councils.	
230.	Powers of Government and of the Deputy Commissioners over subordinates.	
231.	Powers of officers acting for, or in default of, municipal council and liability of municipal fund.	
232.	Restriction on the powers of the Deputy Commissioner.	
233.	Appointment of chief officer.	
234.	Appointment of health officer and engineer.	
235.	Duties of chief officer.	
236.	Powers of chief officer.	
237.	Chief officer's powers of appointment and punishment.	
238.	Chief officer may make explanations at meetings.	
239.	Appointment of municipal commissioner.	
240.	Removal from office.	
241.	(1) Salary of municipal commissioner. (2) Prohibition of engagement in other business.	
242.	(1) Leave of absence. (2) Leave allowance. (3) Appointment of substitute.	
243.	Contribution from municipal council towards pensions and leave allowances of municipal commissioners.	
244.	Power of municipal council to require returns, reports or production of documents.	
245.	Powers of municipal commissioners and limitations thereon.	

Sections.	Subject matter.	Page.
246.	Municipal commissioner deemed to be authorised in certain matters although not expressly so authorised.	
247.	Punishment for person disobeying lawful direction given by municipal commissioner.	
248.	Powers of municipal commissioner to appoint, grant leave, punish and dismiss.	
249.	Order not subject to appeal except in certain cases.	
250.	Delegation of powers of municipal commissioner.	
251.	Power to execute contracts on behalf of municipal council.	
252.	Mode of executing contracts.	
253.	Tenders to be invited for contracts involving expenditure exceeding five hundred rupees.	
254.	Security when to be taken for performance of contract.	

REGULATION No. VIII OF 1933.

339-4

A REGULATION TO MAKE BETTER PROVISION FOR THE MANAGEMENT OF MUNICIPAL AFFAIRS IN TOWNS IN MYSORE.

1. (1) Short title.
(2) Local extent.
(3) Commencement.
Repeal.
2. (a) Saving clause.
3. Interpretation section.
4. (1) Delimitation of town municipalities.
(2) Limits to be specified in notification.
(3) Erection and maintenance of boundary marks.
(4) Property and rights of municipal council which has ceased to exist to vest in Government.
5. Conversion of city and minor municipalities into town municipalities.
6. (1) What local areas may be declared to be town municipalities.
(2) Naming of municipalities comprising two or more places.
7. Town Municipalities.
8. Constitution and incorporation of town municipal councils.
9. (1) Municipal councils to consist of elected and nominated councillors.
(2) In specified proportions.
10. Government may determine the number of councillors; fix proportion of elected and nominated councillors.
11. (1) Operation of lists.
(2) Right to vote to depend on entry in roll.
(3) Enrolment in municipal election roll necessary for elected councillor.
Representative of associations.
12. (1) General disqualifications for becoming a councillor.
(2) Disabilities from continuing a councillor.
(3) Power of Government to decide whether vacancy has occurred.

Sections.	Subject matter.	Page.
13.	Resignation.	
14.	Liability to removal from office.	
15.	Term of office.	
16.	Casual vacancies how to be filled up.	
17.	Casual vacancies occurring by increasing the number of councillors.	
18.	Re-eligibility of councillors.	
19.	Publication of names of councillors and presidents and vice-presidents in the Official Gazette.	
20.	(1) Determination of validity of elections; enquiry by judge; procedure. (3) (a) Declaration in case of corrupt practice by a candidate. (b) Scrutiny of votes and declaration in other cases. (4) What is a corrupt practice. Candidate when deemed to have committed corrupt practice. Promise of individual profit. (5) Mere irregularities and informalities not to invalidate election. (6) Disqualification of candidate for corrupt practice.	
21.	Bar of suits relating to elections, etc.	
22.	Municipal government to vest in municipal council.	
23.	(1) Every municipal council to have a president and if the municipal council so desires, a vice-president. (2) President to be appointed or elected. (3) Effect of notification of <i>ex-officio</i> president. (4) Vice-president to be elected. (5) Salaried servants of Government ineligible for election. (6) When Deputy Commissioner and Amildar may perform functions of president. (7) Consequence of absence of president or vice-president without leave. (8) Limit of grant of leave and arrangements during leave. (9) Vacation of office by vice-president on becoming president. (10) Vacation of office by president and vice-president for want of confidence. (11) Removal of presidents and vice-presidents. (12) Term of office of president and vice-president. (13) Vacancies in their office how to be filled up. (14) Remuneration of president and vice-president of municipal council.	
24.	Functions of presidents.	
25.	Custody of records.	
26.	Functions of vice-presidents.	
27.	Provisions in regard to meetings of a municipal council. (1) Ordinary general meetings. (2) Special general meetings. (3) Notice to be given of meetings. (4) Meetings to be held at municipal office. (5) Meeting how presided over in the absence of the president and vice-president. (6) Meeting must ordinarily be open to the public. (7) Number of councillors required to form a quorum. (8) Business to be transacted at meetings and order of business how to be settled.	

Sections.

Subject matter.

- (9) Minutes of proceedings to be kept.
- (10) All questions must be decided by a majority of votes.
- (11) Councillor not to vote on questions in which he has pecuniary interest.
- (12) Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.
- (13) Adjournments of meetings.
- (14) Modification and cancellation of resolutions.
- (15) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.
- (16) (a) Certain Government officers may attend meetings of municipal councils.
- (b) Municipal council may require the presence of certain of the said officers at their meetings.
- 28. (1) Rights and privileges of individual councillors.
- 29. Committees.
- 30. When persons other than councillors may serve on committees. Duties, etc., of such persons.
- 31. (1) When chairman to be *ex-officio*.
- (3) When no *ex-officio* chairman, municipal council may appoint chairman.
- (4) When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.
- (5) If there is no chairman, *ex-officio* or appointed by the municipal council.
- 32. (1) Procedure at meetings.
- (2) Committees shall meet when they think proper.
- (3) Number of members required to form quorum at committee meetings.
- 33. (1) Procedure by circular.
- (2) Propositions when to be sent to Government officers for remarks.
- (3) Decisions how to be taken on propositions circulated.
- (4) And how to be recorded.
- 34. (1) Subordination of committees to instructions of municipal council and compliance with requisition of municipal council.
- (2) Orders subject to revision and appeal.
- 35. Powers, duties and functions may be delegated to officers whose expenses may be paid.
- 36. (1) Acts and proceedings of municipal council and Committees not vitiated by disqualifications, etc., of members thereof.
- (2) Proceedings of meetings to be good and valid, until the contrary is proved.
- (3) Vacancy not to affect municipal council's proceedings.
- 37. Joint committees of two or more municipal councils.
- 38. (1) Competency of municipal council to lease, sell and contract.
- (2) Subject in certain cases to sanction of Government.
- (3) (a) Sanction by resolution at general meeting requisite to validity of certain contracts.
- (4) Sanction of municipal council when requisite in other cases.
- (5) When tenders should be invited.
- (6) Sanction by committees and individuals empowered.
- (7) Mode of executing contracts.
- (8) Invalidity of contracts unless requirements of section are fulfilled.

Sections.	Subject matter.	Page.
39.	Contracts by officers appointed by Government to execute municipal works and payment for such works.	
40.	Acquisition of land.	
41.	(1) Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils. (2) Liability of president, vice-president and members for loss, waste or misapplication.	
42.	(1) Officer or servant of any municipal council not to be interested in any contract with such municipal council. (2) Effect of acquiring such interest. (3) Saving clause.	
43.	(a) Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.	
44.	(1) Notice to sweepers and scavengers before discharge. (2) Penalty for withdrawal of sweepers and scavengers without notice. (3) Application of sub-sections (1) and (2) to other municipal servants.	
45.	(1) Councillors, etc., to be deemed public servants.	
46.	Municipal councils to make rules. (a) Regulating the conduct of business. (b) Fixing the functions of the president and the establishment. (c) For general guidance of municipal servants. (d) Fixing the amount of the security to be furnished. (e) Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc. (f) Granting leave to municipal servants. (g) Contributing to provident funds. (h) Prescribing the taxes, etc., to be levied for municipal purposes. (i) For writing off amounts due and remitting fees. Approval required to rules.	
47.	Power to suspend, reduce or abolish any existing tax.	
48.	(1) Power to make by-laws. (a) For markets and slaughter houses, etc. (b) For licensing, regulating and inspecting certain businesses. (c) Regulating the stalling of cattle, etc. (d) For regulating dairies and cattle-sheds. (ii) Milk-stores, etc. (e) For inspection of weights and measures. (f) For the registration of births. (g) Regulating the disposal of the dead. (h) For enforcing information as to epidemics. (i) For enforcing information as to liability to municipal taxation. (k) Octroi by-laws. (l) Terminal Tax. (m) For protecting water. (n) Regulating public baths, etc. (o) For conservancy. (p) For constructing houses for the poor. (q) For the disposal of carcasses. (r) Regulating structures and buildings. (s) For regulating construction or use of buildings.	

Sections.

Subject matter.

- (t) For providing for streets.
- (u) For ensuring ventilation.
- (v) Control of drains.
- (w) Requiring information and plans in certain cases.
- (x) For controlling unwieldy traffic.
- (y) Public parks.
- (z) For licensing factories, the use of steam whistles.
- Fines may be imposed for infringement of by-laws.
- (2) Publication of drafts of proposed by-laws.
- (3) Objections and suggestions to be submitted to Government.
- 49. Rules and by-laws to be printed and sold.
- 50. (1) Power to acquire and hold property.
- (2) Property vested in the municipal council.
- (3) Power to Government to resume property.
- 51. Municipal fund.
- Provision as to special trusts.
- 52. Application of municipal fund and property.
- 53. (1) Power to deposit and invest surplus funds.
- (2) Surplus not so deposited or invested how to be dealt with.
- 54. Power of municipal councils to borrow money.
- 55. Duties of municipal councils.
- 56. Special duties.
- 57. Power of Government to exempt municipal council from any of the duties.
- 58. Discretionary power of expenditure of municipal council.
- 59. Arrangements purporting to be binding permanently or for a term of years.
- 60. Management of public institutions maintained by municipal councils to vest in it.
- 61. Taxes which may be imposed.
- 62. Procedure preliminary to imposing tax.
- 63. Power to sanction, modify and impose conditions.
- 64. Publication of sanctioned rules with notice.
- 65. Appointment of assessor.
- 66. (1) Preparation of an assessment list.
- (2) Power to inspect.
- (3) Returns to be furnished.
- 67. (1) Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.
- (2) Occupier liable for a rate on buildings or lands or both until he gives information.
- 68. Publication of notice of assessment list.
- 69. (1) Public notice of time fixed for revising assessment list.
- (2) Revising authority.
- (3) Objections how to be made.
- (4) Hearing of objections.
- (5) Authentication of list.
- (6) Custody and inspection of list.
- (7) Authenticated list how far conclusive.
- 70. (1) Amendment of assessment list.
- (2) Objection how dealt with.
- (3) Effect of amendment.
- 71. New assessment list need not be prepared every year.

Sections.	Subject matter.	Page.
72.	Tax from whom primarily leviable. Recovery from occupiers. Remedy of occupier in such case.	
73.	Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.	
74.	Form of notice.	
75.	Name of transferee to be substituted in the municipal registers.	
76.	Liability for payment of taxes on buildings or lands to con- tinue in the absence of notice of transfer.	
77.	(1) Remission of tax in case of vacancies; when obligatory. (2) When discretionary. (3) Burden of proof on claimant. (4) Explanatory clause.	
78.	(1) Municipal council may charge fee for certain licenses. (2) Levy of fees for unauthorised occupation or projection. (3) Market and other fees. (4) Farming of fees. (5) Power of lessee to expel persons who refuse to pay fees.	
79.	(1) Composition of toll. (2) Recovery of sums claimed under this section.	
80.	Power of Government to suspend or prohibit levy of objectionable taxes.	
81.	Power of Government to require municipal council to impose taxes.	
82.	Octroi by-laws to be submitted with proposal for imposition of octroi.	
83.	(1) Power to examine articles liable to octroi. (2) Power to search where octroi is leviable.	
84.	(1) Presentation of bills for octroi. (2) Penalty for evasion of octroi.	
85.	(1) Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid. (2) Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles. (3) Searches and arrests to be governed by the provision of the Criminal Procedure Code.	
86.	Tables of tolls to be shown on demand.	
87.	(1) Power to seize vehicle on non-payment of octroi or toll. (2) Notice of sale. (3) Release of property on payment. (4) Sale. (5) Surplus how dealt with.	
88.	Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.	
89.	Farming of tolls.	
90.	(1) Presentation of bill for taxes. (2) Contents of bill. (3) If bill not paid within fifteen days, notice of demand to issue.	
91.	(1) In what cases warrant may issue. (2) Warrant by whom to be signed. (3) To whom the warrant should be addressed.	

Sections.	Subject matter.	Page.
	(4) Power of entry under special order.	
	(5) Warrant how to be executed.	
92.	(1) Sale of goods distrained in special cases.	
	(2) Sale of property distrained ; application of proceeds of sale.	
	(3) Surplus, if any, how dealt with.	
93.	Distrain and sale outside the municipality.	
94.	Summary proceedings may be taken against persons about to leave the municipality.	
95.	Fees and costs chargeable.	
96.	(1) Appeal to magistrates.	
	(2) Revision of decisions on appeal.	
97.	Liability of land, buildings, etc., for rates.	
98.	Suspension of power to recover by distress and sale.	
99.	Receipts to be given for all payments.	
100.	Power regarding street, etc.	
101.	Temporary closure of streets.	
102.	The regular line of public street.	
103.	(1) Setting back projecting buildings.	
	(2) Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.	
	(3) Compensation payable by the municipal council.	
104.	Setting forward to regular line of street.	
105.	Buildings at corner of streets.	
106.	(1) Roofs and external walls of buildings not to be made of inflammable materials.	
	(2) Power to require removal of roof and wall if inflammable.	
	(3) Penalty.	
107.	Level of building.	
108.	Rat-proof building for warehouse for storing grain.	
109.	(1) Notice of new buildings.	
	(2) Power of municipal council to pass orders.	
	(3) Or to suspend the work or to require further particulars.	
	(4) Right to proceed in certain cases.	
110.	(1) Power of Government to prohibit the erection of buildings in certain area without permission.	
111.	Regulation of huts.	
112.	Improvement of huts.	
113.	Municipal control over drains, etc.	
114.	Powers for making drains.	
115.	(1) Sufficient drainage of houses.	
	(2) New buildings not to be erected without drains.	
116.	Power of owners and occupiers of buildings or lands to drain into municipal drains.	
117.	Provision of privies, etc.	
118.	Cost of altering, repairing and keeping in proper order privies, etc.	
119.	Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.	
120.	Encroachment on municipal drains, etc.	
121.	Inspection of drains, etc.	
122.	Power of carrying water mains, etc.	
123.	(1) Permission necessary for certain projections.	
	(3) Removal of projections.	

Sections.	Subject matter.	Page.
124.	Troughs and pipes for rain water.	
125.	Fixing of brackets, etc., to houses.	
126.	Naming streets and numbering houses.	
127.	Removal and trimming of hedges, trees, etc.	
128.	(1) Ruinous or dangerous buildings. (2) Action to be taken on default by owner or occupier. Proviso if danger is not imminent.	
129.	(1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply. (2) Remedy for non-compliance with direction issued.	
130.	(1) Displacing pavements, etc. (2) Penalty for failure to replace after notice.	
131.	Obstruction and encroachments upon public streets and open spaces.	
132.	Hoardings to be set up during repairs, etc.	
133.	Fencing and lighting during repairs, etc.	
134.	Timber not to be deposited or hole made in a street without permission.	
135.	Provision as to dogs.	
136.	Depositing dust, etc.	
137.	Discharging sewage, etc.	
138.	Non-removal of filth, etc.	
139.	Filthy buildings, etc.	
140.	Power to enter and inspect, etc., buildings.	
141.	Abatement of nuisances from wells, etc.	
142.	Regulation or prohibition of certain kinds of cultivation.	
143.	Using offensive manure, etc.	
144.	(1) Tethering cattle, etc. (2) Keeping swine.	
145.	Feeding animals on filth.	
146.	Licenses to be taken for burning bricks.	
147.	Licensing markets, slaughter-houses and certain businesses.	
148.	Opening, closing and letting of markets and slaughter-houses.	
149.	Slaughter-houses, etc., beyond municipal limits.	
150.	(1) Registry of shops for sale of European drugs. (2) Certificated dispensers.	
151.	Uncertificated person dispensing drugs.	
152.	Unwholesome articles of food and drink.	
153.	False weights and measures and instruments for weighing.	
154.	(1) Powers which may at any time be exercised. (4) Penalties for disobedience of an order passed in exercise of such powers.	
155.	Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep or goats.	
156.	(1) Proceedings to abate the overcrowding of the interiors of buildings. (2) Procedure of magistrate.	
157.	Closing places for disposal of the dead.	
158.	(1) Regulation of certain trades. (2) Liability to penalty after notice. (4) Penalty for unlicensed places in a municipality in which by-laws under section 48 (1) (b) (iii) are in force.	
159.	(1) Factories in crowded localities.	

Sections.	Subject matter.	Page.
160.	(1) Use of siren or whistle for summoning or dismissing workmen.	
161.	Brothels.	
162.	(1) Service of notices, etc., addressed to individuals.	
	(2) Service of notices, etc., on owners and occupiers of buildings and lands.	
	(3) Public and general notices how to be published.	
	(4) Defective form not to invalidate notice or bill.	
	(5) Execution of acts required to be done by any notice.	
163.	Punishment for disobedience of orders and notices not punishable under any other section.	
164.	(1) Municipal council in default of owner or occupier-may execute work and recover expense.	
	(2) Power to levy charges on occupier, who may deduct the same from his rent.	
	(3) Occupiers not to be liable for more than the amount of rent due.	
165.	Occupier in default of owner, may execute works and deduct expenses from his rent.	
166.	Proceedings if any, occupier opposes the execution of the Regulation.	
167.	Entry for purposes of the Regulation.	
168.	Determination of compensation in certain cases.	
169.	Costs or expenses how determined and recovered.	
170.	(1) Municipal council may prosecute.	
	(2) Jurisdiction of magistrate.	
171.	Power to compound offences.	
172.	Limitation for distraint, etc.	
173.	Distress lawful though defective in form.	
174.	Damage to municipal property how made good.	
175.	Alternative procedure by suit.	
176.	(1) Power of compromise.	
177.	Assistance for the recovery of rent on land.	
178.	Limitation of suits, etc.	
179.	Power of police officers.	
180.	Prohibition of expenditure not budgetted for.	
181.	(1) Presentation of accounts.	
	(2) Budget estimate.	
182.	Revision of budget.	
183.	Maintenance of accounts and restrictions on expenditure.	
184.	Audit of accounts.	
185.	Powers of Government auditor.	
186.	(1) Duties of Government auditor.	
	(2) Municipal council to remedy defects.	
187.	(1) Disallowance by Government auditor and order by Deputy Commissioner.	
188.	Appeal from order of Deputy Commissioner.	
189.	Recovery of amounts disallowed.	
190.	Transmission of accounts to Government.	
191.	Annual administration report.	
192.	Powers of inspection and supervision.	
193.	Deputy Commissioner's power of inspection of offices of municipal councils.	

Sections.	Subject matter.	Page
194.	(1) Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.	
	(2) Deputy Commissioner's order to be reported to Government who may confirm or modify it.	
195.	Extraordinary powers of Deputy Commissioner in case of emergency.	
196.	Agency for execution of Public Works.	
197.	Special provision in regard to works executed by Government.	
198.	Government inquiry into municipal matters.	
199.	(1) Power of Government to prevent extravagance in the employment of establishment.	
	(2) Government may require any town municipal council to appoint a health officer or an engineer.	
200.	Power of Government to provide for performance of duties in default of municipal council.	
201.	Power of Government to direct person in custody of municipal fund to pay Government dues.	
202.	(1) Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.	
	(2) Consequences of exercise of such power.	
	(4) Power after enquiry to continue period of supersession.	
203.	Disputes between a municipal council and one or more local authorities.	
204.	Powers of Government to make rules and orders.	
205.	Power of Government to cancel or modify by-laws and rules of municipal councils.	
206.	Delegation of powers by Government.	
207.	Powers of Government and of the Deputy Commissioners over subordinates.	
208.	Powers of officers acting for, or in default of, municipal council and liability of municipal fund.	
209.	Appointment of chief officer.	
210.	Duties of chief officer.	
211.	Powers of chief Officer.	
212.	Chief officer's powers of appointment and punishment.	
213.	Chief officer may make explanations at meetings.	

REGULATION IX OF 1933.

474-521

A REGULATION TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

1. (1) Short title.
2. Repeal.
 - (a) Saving clause.
3. Interpretation section.
4. (1) Procedure for constituting a minor municipality.
 - (4) Naming of municipalities comprising two or more places.
5. Conversion of town municipalities into minor municipalities.
6. (1) Municipal Government to vest in municipal council.
 - (2) Incorporation of municipal councils.

Sections.	Subject matter.	Page.
	(3) Constitution of municipal councils.	
	(4) Publication of names of councillors, presidents and vice-presidents in the Official Gazette.	
7.	Qualification of voters.	
8.	Qualification of candidates.	
9.	(1) General disqualifications for becoming a councillor.	
	(2) Disabilities from continuing a councillor.	
10.	(1) Every municipal council to have a president and if the municipal council so desires, a vice-president.	
	(2) President to be appointed or elected.	
	(3) Effect of notification of <i>ex-officio</i> president.	
	(4) Vice-president to be elected.	
	(5) Power of Government to appoint the president or vice-president.	
	(6) Amildar to perform the duties of the president when there is no president and vice-president.	
	(7) Vacation of office by president and vice-president for want of confidence.	
	(8) Removal of presidents and vice-presidents.	
	(9) Vacation of office by vice-president on becoming president.	
	(10) Term of office of president and vice-president.	
	(11) Consequences of absence of president or vice-president without leave and limit of leave.	
11.	(1) Determination of validity of elections.	
	(2) Powers of Munsiff holding enquiry.	
	(3) (a) Declaration in case of corrupt practice by a candidate.	
	(b) Scrutiny of votes and declaration in other cases.	
	(4) What is a corrupt practice.	
	Candidate when deemed to have committed corrupt practice.	
	Promise of individual profit.	
	(5) Mere irregularities and informalities not to invalidate election.	
	(6) Disqualification of candidate for corrupt practice.	
12.	Term of office of councillors.	
13.	Resignation of councillors, vice-presidents and president.	
14.	Liability of councillors for removal from office.	
15.	Casual vacancies among councillors, president or vice-president how to be filled up.	
16.	Casual vacancies by increasing the number of councillors.	
17.	Bar of suits, relating to elections, etc.	
18.	Meetings.	
19.	Committees.	
20.	Rights and privileges of municipal councillors.	
21.	Certain officers entitled to attend and speak at meetings of municipal council.	
22.	(1) Vacancy not to affect proceedings.	
	(2) Act of municipal councils, etc., not to be invalidated.	
23.	(1) Obligatory duties.	
	(2) Discretionary duties.	
24.	Power of municipal council to acquire and hold property and to contract.	
25.	Contracts by officers appointed by Government to execute municipal works and payment for such works.	
26.	Acquisition of land.	

Sections.	Subject matter.	Pag
27.	Functions of the president.	
28.	Functions of the vice-president.	
29.	Municipal establishment.	
30.	Municipal councillors, etc., to be public servants.	
31.	(1) Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils. (2) Liability of president, vice-president and councillors for loss, waste or misapplication.	
32.	Institution of legal proceedings against municipal council, president, councillor, officer, servant or agent and bar of certain suits.	
33.	Powers to compromise suits and claims.	
34.	Chief controlling authority.	
35.	Power of Government and Deputy Commissioner to annul or amend proceedings of municipal council.	
36.	Power to suspend action of the municipal council.	
37.	Power to provide for the performance of duties or works in case of default or in case of emergency.	
38.	Agency for execution of public works.	
39.	Special provisions in regard to works executed by the Government.	
40.	Government inquiry into municipal matters.	
41.	Power of Government to direct person in custody of municipal fund to pay Government dues.	
42.	(1) Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers. (2) Consequences of exercise of such power. (4) Power after enquiry to continue period of supersession.	
43.	Appointment of Inspectors.	
44.	Disputes.	
45.	Appeals.	
46.	(1) Property vested in the municipal council. (2) Power of Government to resume property.	
47.	Management of public institutions maintained by municipal councils to vest in it.	
48.	Municipal fund, its custody and investment.	
49.	Constitution of the municipal fund.	
50.	Application of municipal fund and property.	
51.	Municipal council may raise loans and form a sinking fund.	
52.	Contribution to expenditure incurred by the Government and power to make grant-in-aid.	
53.	Maintenance of accounts and restrictions on expenditure.	
54.	Presentation of accounts.	
55.	Audit of Accounts.	
56.	Power of Government auditor.	
57.	Duties of Government auditor.	
58.	Surcharge.	
59.	Appeal from order of surcharge.	
60.	Recovery of amount surcharged.	
61.	Taxes and fees which a municipal council may levy.	
62.	Power of municipal council to levy other taxes and fees.	
63.	Rates of taxes and fees.	
64.	Abolition and suspension of taxes and fees, or variation of rates.	
65.	Exemptions, remissions, and writes off.	

Sections.	Subject matter.	Page.
66.	Bar of other proceedings.	
67.	Compounding for payment of tolls.	
68.	Farming of tolls and fees.	
69.	(1) Liability of land, building, etc., for taxes. (2) Right of occupier to recover from owner.	
70.	(1) Recover of dues. (2) Distress lawful though defective in form. (3) Limitation of distraint. (4) Suits for dues not precluded.	
71.	Power of Government to suspend or prohibit levy of objectionable taxes.	
72.	Special powers of Government with regard to taxation.	
73.	Receipts to be given for all payments.	
74.	Powers of entry and inspection.	
75.	Power of president to temporarily close streets.	
76.	Power to attach brackets for lamps, name-plates of streets, etc.	
77.	(1) Permission necessary for certain projections. (2) Removal of projections.	
78.	Obstructions and encroachments upon public streets and open spaces.	
79.	Control of erection of buildings.	
80.	Power of Government to prohibit the erection of buildings in certain areas without permission.	
81.	Power with regard to huts, privies, etc.	
82.	Power as regards sanitation, drainage, etc.	
83.	Depositing or throwing rubbish, etc., on roads or into drains and discharging sewage.	
84.	Power to lay or carry pipes, drains or sewers through private property.	
85.	Power of municipal council to provide for proper water-supply.	
86.	Unwholesome articles of food and drink.	
87.	Feeding animals on deleterious substance.	
88.	Acts done by persons suffering from certain diseases.	
89.	Places for slaughter of animals for sale.	
90.	Premises not to be used for certain purposes without a license.	
91.	(1) President, etc., to have power of entry for inspection into buildings etc., where infectious disease exists. (2) Inspection to be made between sunrise and sunset. (3) Disinfection of buildings, etc.	
92.	Burial and burning grounds.	
93.	Certain offences punishable with fine.	
94.	Penalty for building in contravention of Section 80.	
95.	Penalty for possession of articles or animal unfit for human consumption or adulterated drug.	
96.	Penalty on president, councillor, officer or, servant of municipal council being interested in contract made with the municipal council.	
97.	Punishment for disobedience to orders and notices not punishable under any other section.	
98.	(1) Municipal council or president may prosecute. (2) Jurisdiction of magistrate.	
99.	(1) Powers and duties of police officer.	
100.	Powers to compromise and Compound offence.	

Sections.	Subject matter.	Page.
101.	(1) Public and general notices how to be published. (2) Service of notices, etc., addressed to individuals. (3) Service of notices, etc., on owners and occupiers of buildings and lands. (4) Defective form not to invalidate notice or bill. (5) Execution of acts required to be done by any notice.	
102.	(1) Municipal council in default of owner or occupier may execute works and recover expenses. (2) Occupier in default of owner, may execute works and deduct expenses from his rent.	
103.	Proceedings in case of obstruction of owner by occupier.	
104.	Determination of compensation in certain cases.	
105.	Damage to municipal property how made good.	
106.	(1) Power of Government to make rules and orders.	
107.	Power of Government to delegate its powers under the Regulation.	
108.	Power of Government to confer on the holders of alienated villages or their agents powers of an Assistant Commissioner or a Deputy Commissioner.	

REGULATION No. X of 1933.

526-539

REGULATION TO AMEND THE HINDU LAW AS TO THE RIGHTS OF
WOMEN AND IN CERTAIN OTHER RESPECTS.

Preamble.

1. (1) Short title.
(2) Extent.
(3) Commencement.
2. (1) Application.
3. Interpretation clause.
4. Order of succession.
5. General rules as to order of preference.
6. (1) Self-acquisitions deemed to be separate property.
(2) Separate property to pass by succession in case of intestacy.
7. (1) Separation of interest by expression of intention.
(2) Separate share or interest to pass by succession in case of intestacy.
8. Certain females entitled to shares at partition.
- Provisos.
9. (1) Authority to adopt.
(2) Effect of adoption.
(3) Validity of pre-adoption arrangements.
10. What is "*stridhana*."
11. Nature of estate in *stridhana*.
12. Succession to *stridhana*.
13. Estate of heir to *stridhana* property.
14. Gifts and bequests to have same effect for females as for males.
15. Bequests without words of limitation.
16. Nature of estate in property inherited from males.
Proviso.
17. Rights of holder of limited estate.

Sections.	Subject matter.	Page.
18.	(1) Restrictions on powers of holder of limited estate. (2) "Necessary purpose."	
19.	Surrender or relinquishment by holder of limited estate.	
20.	Investments.	
21.	Succession on termination of limited estate.	
22.	(1) Females entitled to maintenance. Proviso.	
23.	Wife when entitled to separate maintenance.	
24.	Right to maintenance unconditional.	
25.	(1) Amount of maintenance. (3) "Reasonable wants." (4) Variations in amount of maintenance.	
26.	Maintenance when a charge.	

REGULATION No. XI OF 1933.

540-559

REGULATION TO AMEND THE LAW RELATING TO THE PROTECTION OF
COPYRIGHT IN MYSORE.

2. Interpretation.
3. Copyright.
4. Infringement of copyright.
Proviso.
5. Term of copyright.
6. Compulsory licenses.
7. Ownership of copyright, etc.
8. Works of joint authors.
9. Posthumous works.
10. Provision as to Government publications.
11. Provisions as to mechanical instruments.
12. Provision as to political speeches.
13. Modification of copyright as regards translation of works first published in Mysore.
14. Provision as to photographs.
15. Provisions as to designs registrable under Patents and Designs Regulation, 1925.
16. Existing works.
17. Civil remedies for infringement of copyright.
18. Rights of owner against persons possessing or dealing with infringing copies, etc.
19. Exemption of innocent infringer from liability to pay damages, etc.
20. Restriction on remedies in the case of architecture.
21. Limitation of actions.
22. Courts having civil jurisdiction regarding infringement of copyright.
23. Effect of non-registration under Act XX of 1847.
24. Offences in respect of infringing copies.
25. Possession of plates for purpose of making infringing copies.
26. Punishment on second conviction.
27. Power of Court to dispose of infringing copies or plates for purpose of making infringing copies.

xlvi

Sections.	Subject matter.	Page.
28.	Cognizance of offences.	
29.	Saving in case of infringement by construction of building.	
30.	Provisions as to notifications by Government.	
31.	Repeal.	

REGULATION No. XII of 1933. 560-561

A REGULATION TO AMEND THE MYSORE LUNACY REGULATION, 1916.

Preamble.

1. Short Title.
 2. Amendment of Section 3.
 3. Amendment of Section 4.
 4. Addition of a new Section as 10-A.
- Urgency orders.

REGULATION No. XIII of 1933. 562-563

A REGULATION FURTHER TO AMEND THE CODE OF CRIMINAL PROCEDURE, 1904, FOR a CERTAIN PURPOSE.

Preamble.

1. Short title.
2. Amendment of Section 526.

REGULATION No. XIV of 1933. 564-565

A REGULATION FURTHER TO AMEND THE CRIMINAL TRIBES REGULATION, 1916.

Preamble.

1. Amendment of Section 10.
10. (1) Members of criminal tribes to report themselves or notify residence.
2. Amendment of Section 24.

REGULATION 1 OF 1929.*

*(Received the assent of His Highness the Maharaja
on the 31st day of December 1928.)*

A Regulation to amend Regulation, No. III of 1911, for certain purposes.

Whereas it is expedient to further amend Regulation No. III of 1911 for certain purposes hereinafter appearing: It is hereby enacted as follows :—

1. (i) This Regulation may be called the Code of Civil Procedure (Amendment) Regulation. Short title
and com-
mencement.

(ii) It shall come into force at once.

2. To the particulars under the proviso to Section 60 (1) the following shall be added :— Amendme
of Section
(1),

“(s) Annuity payments made under the Scheme† of Annuities sanctioned by the Government, to the extent of—

(1) the whole, where the annuity does not exceed Rs. 1,200 per annum ;

(2) Rs. 1,200 per annum, where the annuity exceeds this amount.”

* For discussions in the Representative Assembly, *see* Proceedings of the Assembly, October—November 1928, page 208.

For the Bill and Statement of Objects and Reasons, *see* the *Mysore Gazette* of 22nd November 1928, Part III, pages 298—292.

For debates in the Legislative Council, *see* Proceedings of the Council, December 1928, pages 47 and 48.

† See Government Order No. Fl. 8751-808—G. F. 192-27-2, dated the 12th May 1928.

REGULATION II OF 1929.*

*(Received the assent of His Highness the Maharaja
on the 31st day of December 1928.)*

**A Regulation to amend the Mysore District Boards
Regulation, 1926.**

Whereas it is expedient to amend the Mysore District Boards Regulation, 1926; It is hereby enacted as follows:—

amendment
Section 11.

1. The words 'a female' and comma after 'female' occurring in the second line of Section 11 shall be omitted.

*For discussions in the Representative Assembly, see Proceedings of the Assembly, June 1928, page 73.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 19th July 1928, Part III, pages 176 and 177.

For debates in the Legislative Council, see Proceedings of the Council, June 1928, page 411, and December 1928, page 46.

REGULATION III OF 1929.*

*(Received the assent of His Highness the Maharaja
on the 2nd day of January 1929.)*

**A Regulation further to amend the Mysore Municipal
Regulation, 1906.**

Whereas it is expedient to further amend the Mysore Municipal Regulation, 1906; It is hereby enacted as follows :—

1. In clause (c) of sub-section (1) of section 15 of the Regulation, the words “who is of the female sex, or” occurring at the end shall be omitted. Amendment
of Section 15

2. In section 31 of the Regulation, the words “of either sex” occurring in the first paragraph and the words “save as regards the disqualification on the ground of sex” occurring in the second paragraph shall be omitted. Amendment
of Section 31.

* For discussions in the Representative Assembly, *see* Proceedings of the Assembly, June 1928, pages 59—70.

For the Bill and Statement of Objects and Reasons, *see* the *Mysore Gazette* of 1st March 1928, Part III, pages 57 and 58 and of 29th November 1928, Part III, pages 294 and 295.

For debates in the Legislative Council, *see* Proceedings of the Council, March 1928, pages 83—88, June 1928, page 411, and December 1928, pages 46 and 47.

REGULATION IV OF 1929.*

(Received the assent of His Highness the Maharaja on the Fourth Day of July 1929).

A Regulation to amend the Mysore Prevention of Adulteration Regulation, IX of 1921.

Preamble.

Whereas it is expedient to amend the Mysore Prevention of Adulteration Regulation, 1921; It is hereby enacted as follows:—

Amendment
of section 2.

1. In section 2 of the Regulation, in the definition of “local executive officer” the words “or the Municipal Commissioner” shall be inserted after the words “Municipal Council” and the words “the President of the Taluk Board or if there is no Taluk Board,” and the words “Taluk or” shall be omitted.

Amendment
of section 12.

2. In sub-section (1) of section 12, the semi-colon after the words “a Magistrate” shall be omitted and the words “of the first or second class or a Bench of Magistrates specially empowered in this behalf by the Government;” shall be added.

3. The following shall be substituted for section 17;—

Amendment
of section 17.

“17. All offences under this Regulation shall be tried by a Magistrate of the first or second class or by a Bench of Magistrates specially empowered in this behalf by the Government.”

* For discussions in the Representative Assembly, see Proceedings of the Assembly, October-November 1928, pages 52-53.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 31st January 1929, Part III, pages 17-19.

For debates in the Legislative Council, see Proceedings of the Council, December 1928 pages 3-4 and June 1929, 437-439.

REGULATION V OF 1929.*

*(Received the assent of His Highness the Maharaja on
the Fourth Day of July 1929.)*

A Regulation to amend the Mysore Co-operative Societies Regulation, 1918.

Whereas it is expedient to amend the Mysore Co-operative Societies Regulation, 1918; It is hereby enacted as follows :— Preamble.

1. In section-4 of the Mysore Co-operative Societies Regulation, 1918, between the words "Mysore" and "and" the words "or for any class of such societies" shall be inserted. Amendment
of Section 4.

2. After section 51 of the said Regulation, the following sections shall be added under the heading "Special Provisions relating to Co-operative Land Mortgage Banks" :— Special provi-
sions for Land
Mortgage
Banks.

"SPECIAL PROVISIONS RELATING TO CO-OPERATIVE LAND MORTGAGE BANKS.

"52. In the following sections, unless there is any- Definitions.
thing repugnant in the subject or context,—

(1) 'Co-operative Land Mortgage Bank' or 'Bank' means a Co-operative Society formed primarily for granting loans on the mortgage of agricultural land and for the liquidation of other prior debts of agriculturists.

(2) 'Local Land Mortgage Society' means a Co-operative Society through which a Co-operative Land Mortgage Bank may conduct its business in any local area.

(3) 'Trustee' means the person appointed by the Government to secure the fulfilment of the obligations of

* For discussions in the Representative Assembly, see Proceedings of the Assembly, October-November 1928, pages 279-287.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 29th January 1928, Part III, pages 294-296.

For the report of the Select Committee, see the *Mysore Gazette* of 23rd May 1929, Part III, pages 105-114.

For debates in the Legislative Council, see Proceedings of the Council, December 1928 pages 15-27 and June 1929, pages 442-456.

“53. The first bye-laws of a Co-operative Land Mortgage Bank as well as every alteration thereof shall be subject to the previous approval of the Government, and shall make provision, among other matters, for—

(a) constituting a Board of Supervision in addition to a Committee ;

(b) restricting the dividends on the share capital so as not to exceed five per cent per annum ;

(c) constituting a reserve fund and carrying to it a sum not less than ten per cent of the net profits of every year ;

(d) fixing the minimum and maximum amount of loans that may be granted ;

(e) fixing the maximum rates of interest on loans ;

(f) fixing the maximum duration of loans ;

(g) ear-marking the capital raised by debentures for the grant of loans on the mortgage of agricultural land ;

(h) the valuation of the property offered as security for loans ;

(i) fixing the proportion which the amount of loan should bear to the value of the property offered as security for the loan ;

(j) fixing the maximum rate of interest on debentures and the maximum and minimum periods for the redemption thereof ;

(k) the manner and conditions of redemption and repurchase of debenture bonds ;

(l) the reduction of the rate of interest payable on any series of debenture bonds at any time after the expiry of the minimum period of redemption thereof and after giving the holders the option to accept payment in cash at par ;

(m) transferring to the trustee, if so required by him, the Bank's rights in the mortgages on the security of which debentures are issued and crediting to an account opened in his name in such other bank as may be approved by the Government all recoveries made from the members of the Bank under the terms of their mortgage deeds ;

(n) getting the accounts of the Bank audited at least once a year by a duly certified auditor or by an officer deputed by the Government ; and

(o) regulating with the previous sanction of Government other matters concerning the organization and

members of the Committee and the Board of Supervision, the local agents and auditors are to receive.

"54. When the interest on any loan raised by the Bank is guaranteed by the Government or when contribution of any kind is made by the Government to the capital or working expenses of the Bank, the Government shall have the power to nominate one member to the Committee and one member to the Board of Supervision, whether such nominees are members of the Bank or not.

Power of Government to nominate one member to Committee and Board of Supervision.

"55. When any part of the capital of the Bank consists of loans raised by debentures issued by the Bank, not less than two members of the Committee and of the Board of Supervision shall be representatives of the holders of such debentures, whether they are members of the Bank or not, and they shall be selected in the manner prescribed by the Government.

Appointment of representatives of debenture holders to Committee and Board of Supervision.

"56. Debenture bonds may be issued by a Co-operative Land Mortgage Bank only with the previous sanction of the Government and they shall be in such form and contain such covenants and provisions as the Bank, with the previous sanction of the Government, may prescribe.

Issue of Debentures.

"57. Debenture bonds issued in conformity with section 56—

Debentures to be negotiable instruments and securities for investing trust funds.

(a) shall be deemed to be negotiable instruments to which the provisions of the Mysore Negotiable Instruments Regulation, 1917, apply, and

(b) shall be included amongst the securities in which a trustee may invest trust funds under any law for the time being in force in Mysore.

"58. (1) A Co-operative Land Mortgage Bank may grant loans only for the following purposes, namely—

Purposes for which loans may be granted.

(a) for the redemption of subsisting mortgages on agricultural land,

(b) for the liquidation of other prior debts of agriculturists,

(c) for the improvement or the better cultivation of agricultural land, and

(d) for current agricultural operations.

(2) A loan for the redemption of subsisting mortgages or for the liquidation of other prior debts may be granted only on the mortgage of agricultural land which is situate in Mysore and is free from all incumbrances

other than those, if any, to be redeemed. Such mortgage shall be without possession.

(3) No loan for the improvement or the better cultivation of agricultural land or for current agricultural operations shall be granted except to a member who has been previously granted a loan for either of the purposes specified in sub-section (2) and whose mortgage is subsisting.

When a loan
may be re-
called.

“59. A Co-operative Land Mortgage Bank may recall a loan—

(i) if after the loan has been granted, the information furnished by the borrower regarding the security, the incumbrances thereon or his interest therein is found to be incorrect in material particulars, or

(ii) if the loan is utilised for a purpose different from that for which it was granted, or

(iii) if the mortgaged property has, in the opinion of the Bank, deteriorated in its value as security for the loan and the borrower fails to furnish additional security to the satisfaction of the Bank, or

(iv) if on the death of the borrower, or in the case of joint borrowers, on the death of any one of them, his legal representative does not consent to continue as a member of the Bank, or

(v) if for any other reason the borrower, or in the case of joint borrowers any one of them, ceases to be a member of the Bank, or

(vi) if the borrower commits default in the payment of any instalment on the due date, or

(vii) if the borrower alienates, or creates any subsequent incumbrance on, the mortgaged land.

Remedies if a
loan recalled
is not repaid.

“60. (1) When a loan is recalled under the provisions of section 59 and is not repaid within three months from the date of recall, the Bank may apply to the Registrar for the recovery of the loan.

(2) If, after such inquiry as may be prescribed by the Government, the Registrar finds that the amount or any part of the amount claimed in such application is due to the Bank, he may, having regard to all the circumstances of the case—

(a) extend the time for the payment of such amount for a period not exceeding six months and, if the amount is not paid within such period, order the sale of the land or other security or a sufficient part thereof, or

- (b) order that the Bank be put in possession of the said land for a reasonable period and upon good cause shown extend such period, or
- (c) forthwith order the sale of the said land or other security or a sufficient part thereof, as he thinks fit.

(3) The Registrar may also, upon good cause shown and after notice to the borrower, order the sale of the land at any time after the Bank has been put in possession of it.

(4) Every order made under this section for possession or sale of the land shall be sent to the Deputy Commissioner of the District in which the land is situate, for execution.

“61. Notwithstanding anything contained in the Transfer of Property Regulation, 1918, or any other law for the time being in force, no incumbrance created on the land, and no lease thereof, and no transfer of the same by sale, gift or otherwise by the mortgagor and no charge thereon created by the decree of a Civil Court or otherwise arising by operation of law, after such land has been mortgaged to the Bank, shall affect the right of the Bank to any of the remedies provided in section 60 :

Bank's rights not affected by subsequent transfer of mortgaged land.

Provided that if any such incumbrancer, alienee or charge-holder has had his interest in the land registered in the office of the Bank in accordance with the rules framed by the Government in this behalf, the Bank shall, when the loan is recalled under the provisions of section 59, send by registered post to every such person a written notice of such recall.

“62. When a Co-operative Land Mortgage Bank is put in possession of the mortgaged land in execution of an order made under section 60, the Bank shall be subject to all the duties imposed by section 76 of the Transfer of Property Regulation, 1918, on a mortgagee taking possession of the mortgaged property during the continuance of the mortgage and it shall, unless the land has been sold in execution of an order made under sub-section (3) of section 60, restore possession thereof to the mortgagor or the person claiming through him, as the case may be, on the expiry of the period fixed by the Registrar, or earlier on full discharge of the amount due.

Bank's duties on taking possession of mortgaged land.

“63. (1) An order for sale made under section 60 shall be executed, so far as may be, in accordance with the procedure laid down in, and subject to the provisions

Execution of order of sale made by the Registrar.

of, sections 171 to 173, 175, 179 to 183, 183A, 184 to 187, 187A, and 188 of the Mysore Land Revenue Code, 1888, for the sale of immoveable property, as if the arrears due to the Bank were arrears of land revenue.

(2) When the sale is confirmed by the Deputy Commissioner in due course, no other person having any interest in the land sold shall, notwithstanding anything contained in the Transfer of Property Regulation, 1918, or any other law for the time being in force, have any claim against the purchaser or in respect of such land, if such interest has been acquired subsequent to the mortgage of the land to the Bank.

(3) When the sale is confirmed, the proceeds of the sale shall be applied first to the defraying of the expenses of the sale proceedings and next to the payment to the Bank of the amount due to it together with interest and costs, and the surplus, if any, shall be paid to the mortgagor or other person claiming through him, as the case may be.

(4) When there is any dispute as to the right to receive the surplus, such surplus shall not be paid to any person except under the order of a Civil Court.

Registrar
when to take
an account.

“64. (1) When any dispute arises regarding the amount paid to the Bank in reduction or discharge of a loan or when it is alleged that the Bank has failed to perform the duties imposed upon it by section 62, the Registrar shall, upon application made to him in that behalf by the borrower or other person claiming through him, take an account, or order that an account be taken, of what is due to the Bank.

(2) The loss, if any, that is proved to have been occasioned by the failure of the aforesaid duties, shall be debited to such account.

(3) If, upon taking the account as aforesaid, the Registrar finds that nothing is due to the Bank or that the Bank has been over-paid, he shall order the Bank—

(a) to deliver up to the applicant all documents in its custody or power relating to the property mortgaged to it as security for the loan,

(b) to pay to the applicant the amount which may be found due to him, and

(c) to restore possession of the mortgaged property to the applicant,

3 the circumstances of the case may require.

(4) The amount ordered to be paid under clause (b) of sub-section (3) shall be recoverable as an arrear of land revenue.

“65. Orders for possession and restoration of possession, made under section 60 and section 64, shall be executed by the Deputy Commissioner, so far as may be, in accordance with the procedure laid down in section 209 of the Mysore Land Revenue Code, 1888.

Execution of orders for possession and restoration of possession.

“66. The Government may make rules to carry out the foregoing special provisions relating to Co-operative Land Mortgage Banks and in particular such rules may provide for—

Rules.

(a) the appointment, suspension, and removal of the members of the Board of Supervision ; the procedure at meetings of the Board and the powers to be exercised and the duties to be performed by the Board ;

(b) the powers to be exercised and the duties to be performed by the trustee and the form of investment or deposit of the funds credited to his account in trust for the redemption of debentures ;

(c) the constitution and working of Local Land Mortgage Societies and the mutual rights and obligations of such Societies and the Co-operative Land Mortgage Bank which conducts its business through them ; and

(d) the manner of selecting representatives of debenture-holders for appointment to the Committee and the Board of Supervision.

“67. The other provisions of this Regulation shall apply to Co-operative Land Mortgage Banks and Local Land Mortgage Societies in so far as they are not inconsistent with the foregoing special provisions.”

Application of other provisions of Regulation.

REGULATION VI OF 1929.*

(Received the assent of His Highness the Maharaja on the Eighth Day of July 1929.)

A Regulation to provide for the better regulation of Cotton Ginning and Cotton Pressing Factories.

Preamble.

Whereas it is expedient to provide for the better regulation of cotton ginning and cotton pressing factories ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Cotton Ginning and Pressing Factories Regulation, 1929.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context.

(a) “bale” means any pressed package of cotton of whatever size or density ;

(b) “cotton” means ginned or unginned cotton, or cotton waste ;

(c) “cotton ginning factory” means any place where cotton is ginned or where cotton fibre is separated from cotton seed by any process whatever involving the use of steam, water or other mechanical power or of electrical power ;

(d) “cotton pressing factory” means any factory as defined in the Mysore Factories Regulation, No. III of 1914, in which cotton is pressed into bales ;

(e) “cotton waste” means droppings, strippings, fly and other waste products of a cotton mill or of a cotton

* For discussions in the Representative Assembly, see Proceedings of the Assembly, June 1928, pages 27-40.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* (Extraordinary) of 1st June 1928.

For the Report of the Select Committee, see the *Mysore Gazette* of 16th August 1928, Part III, pages 237-239.

For debates in the Legislative Council, see Proceedings of the Council, June 1928, pages 412-435 December 1928, pages 41-46 and June 1929 page 457.

ginning factory or of a cotton pressing factory, but does not include yarn waste ;

(f) "occupier" includes a managing agent or other person authorised to represent the occupier ;

(g) "prescribed" means prescribed by or under rules made under this Regulation.

3. (1) The owner of every cotton ginning factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a ginning register containing a record of all cotton ginned in the factory and of the names of the persons for whom and the dates on which the cotton has been ginned and of the amount ginned for each person. Maintenance
of registers.

(2) The owner of every cotton pressing factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a press register containing a daily record of the number of bales pressed in the factory, the serial number of each bale, and the name of the person for whom it has been pressed.

(3) The owner or the person in charge of a cotton ginning or cotton pressing factory shall be bound to produce any ginning register or press register maintained under this section or to furnish a copy of any entry therein certified as correct by the owner or person in charge of the factory, when required to do so by any person appointed by the Government in this behalf.

(4) No register required to be maintained by this section shall be destroyed until after the expiration of three years from the date of the last entry therein.

(5) If—

(a) in any factory any register required by this section to be maintained is not maintained or is maintained in any form other than the form, if any, prescribed for the purpose, or

(b) any entry in any such register is proved to be false in any material particular, or

(c) any such register is destroyed before the expiration of the period referred to in sub-section (4),

the owner of the factory shall be punished with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

(6) If the owner or the person in charge of any factory fails to produce any register, or to furnish a certified copy of any entry, when required to do so under

sub-section (3), or furnishes a certified copy of an entry knowing or having reason to believe such copy to be false, he shall be punished with fine which may extend to fifty rupees, or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

Marking of
bales.

4. (1) The owner of every cotton pressing factory shall cause every bale pressed in the factory to be marked in such manner as may be prescribed, before it is removed from the press-house, with a serial number and with the mark prescribed for the factory.

(2) If any bale is removed from the press-house of any cotton pressing factory without having been marked as required by sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees.

Returns.

5. (1) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(2) The prescribed authority shall compile from the weekly returns and shall publish a statement showing the total number of bales pressed in Mysore during the week and from the commencement of the season to the end of the week to which the returns relate ;

Provided that the number of bales pressed in any individual factory shall not be published.

(3) If default is made in submitting any return as required by sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees.

(4) Where the owner of a cotton pressing factory has notified to the prescribed authority that the work of pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) until such work has been resumed.

Explanation.—In this section “season” means the period notified in this behalf by the Government in the *Official Gazette*.

Scales and
weights.

6. (1) No scales or weights shall be used in any cotton ginning or cotton pressing factory other than the scales or weights, if any, prescribed by the Government as standard for the district in which the factory is situated.

(2) If in any factory any scale or weight is used in contravention of the provisions of sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees or, if he has been previously convicted of any offence under this sub-section, to five hundred rupees.

7. (1) Where the owner of a cotton ginning or pressing factory has leased the factory for a period of not less than one month, in the case of a cotton ginning factory, or three months in the case of a cotton pressing factory, and the lessor retains no interest in the management or profits of the factory and notice of the lease has been given by the lessor and the lessee to the prescribed authority, the lessee shall be deemed to be the owner of the factory, from the date of the notice and for the period of the continuance of the lease, for the purposes of section 3, in respect of the registers maintained or to be maintained from that date and for that period, and for the purposes of sections 4, 5 and 6.

Liability of
lessee as
owner.

(2) On the termination of the lease, the lessee shall hand over to the lessor the registers maintained under section 3, and the lessor shall forthwith report to the prescribed authority any default of the lessee in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3.

(3) If default is made in handing over any register or making any report as required by this section, the lessor, or the lessee, as the case may be, shall be punished with fine which may extend to fifty rupees.

8. (1) On a transfer of the ownership of a cotton ginning or pressing factory, the transferor shall hand over to the transferee the registers maintained under section 3, and the transferee shall forthwith report to the prescribed authority any default of the transferor in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3.

Liability on
transfer of
ownership.

(2) If default is made in handing over any register or making any report as required by sub-section (1), the transferor or the transferee, as the case may be, shall be punished with fine which may extend to fifty rupees.

9. (1) In the case of cotton ginning factories the construction of which is commenced after the commencement of this Regulation—

Structural
requirements
for factories.

(a) gin-houses shall be provided with separate entrances and exits for the bringing in of unginmed and the taking out of ginned cotton respectively, and

(b) the factories shall be constructed in accordance with plans and specifications approved by the prescribed authority ;

Provided that nothing in this sub-section shall apply to any factory in which only roller gins are used where the number of such gins is not more than four.

(2) Within such period after the commencement of this Regulation as may be prescribed, the owner of every cotton pressing factory in which cotton is handled on the ground floor shall cause the press-house to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority.

(3) If the owner of any factory fails to comply with any provision of this section which is applicable to the factory, he shall be punished with fine which may extend to one hundred rupees.

(4) (a) Where the owner of a factory has been convicted under sub-section (3), the prescribed authority may serve on the owner of the factory an order in writing directing that such alterations shall be made in the factory, before a specified date, as in the opinion of the said authority are necessary to secure compliance with the provisions of sub-section (1) or sub-section (2), as the case may be.

(b) Where the alterations are not made in accordance with the order served under clause (a) of this sub-section, the prescribed authority may serve on the owner and on the occupier, if any, of the factory, an order in writing directing that the work of ginning or pressing cotton in such factory, shall be suspended until the alterations have been made in accordance with the order served under clause (a) of this sub-section and the owner and the occupier, if any, shall be jointly and severally liable to fine which may extend to fifty rupees for each day on which cotton is ginned or pressed in the factory in contravention of the order served under this clause.

Liability of
officers of a
company.

10. Where the person guilty of an offence under this Regulation is a company, every Director, Manager, Secretary and other officer thereof who is knowingly a party to the default shall also be guilty of the like offence and liable to the like punishment.

Cognizance
of offences.

11. (1) No prosecution under this Regulation shall be instituted except by or with the previous sanction of the District Magistrate.

(2) No offence punishable under this Regulation shall be tried by any court inferior to that of a Magistrate of the first class.

12. The Government may, by notification in the *Official Gazette*, make rules, consistent with this Regulation, to provide for all or any of the following matters, namely:—

Power of the Government to make rules.

(a) the allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales;

(b) the manner in which bales shall be marked;

(c) the manner in which the weekly statements referred to in section 5 shall be published;

(d) the forms in which registers, records and returns are to be maintained or submitted, and the inspection of records and registers;

(e) the appointment of the authority to whom and the time within which the returns required by section 5 shall be made;

(f) the weights and scales to be used in cotton ginning and cotton pressing factories in any district and the inspection of the same;

(g) the appointment of authorities for the purposes of sections 7, 8 and 9:

(h) the manner of service of orders made under section 9;

(i) the powers of entry and inspection which may be exercised by District Magistrates or by any officer specially empowered in this behalf by the Government;

(j) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Regulation.

13. After the expiration of one year from the commencement of this Regulation, any person who has made a contract for the purchase of baled cotton may require that no bales other than bales marked in accordance with section 4 shall be supplied in fulfilment of such contract, and, if he does so require, no bale not so marked shall be tenderable in fulfilment of the contract.

Power to reject unmarked bales in fulfilment of contracts.

Provided that nothing in this section shall apply to a contract for the sale and delivery of cotton grown before, or less than one year after, the commencement of this Regulation.

14. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Regulation.

Protection for acts done under Regulation.

REGULATION No. I OF 1930.*

(Received the assent of His Highness the Maharaja
on the fourth day of January 1930).

**A Regulation to amend the Government Savings Banks
Act, 1873, as in force in Mysore.**

Whereas it is expedient further to amend the Government Savings Banks Act, 1873, as in force in Mysore; It is hereby enacted as follows:—

Preamble.

1. In section 3 of the Government Savings Banks Act, 1873, (hereinafter referred to as the said Act) for the definitions of "Secretary" and "Minor," the following shall be substituted, namely:—

Amendment
of section 3.

"Secretary" includes the Officer in immediate charge of a District Treasury or of the State Huzur Treasury;

"Minor" means a person who has not completed the age of eighteen years or, if he is not domiciled in Mysore, has not attained majority according to the law to which he is subject.

2. For section 4 of the said Act, the following section shall be substituted, namely:—

Substitution
of a new section
for section 4.

"4. If a depositor dies and probate of his will, or letters of administration of his estate, or a certificate granted under the Succession Certificate Regulation, 1901, is not, within three months of the death of the depositor, produced, then—

(a) if the deposit does not exceed one thousand rupees, the Secretary may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased:

* For discussions in the Representative Assembly, see Proceedings of the Assembly, October—November 1928 pages 63-65.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 22nd November 1929, Part III.

For the report of the Select Committee, see the *Mysore Gazette* of 21st March 1929, Part III, pages 53-54.

For debates in the Legislative Council, see Proceedings of the Council, December 1928, page 14. June 1929, page 441, December 1929, page 168,

Provided that if the deposit is in a taluk treasury and does not exceed rupees one hundred, the Amildar of the taluk may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased;

(b) if the deposit exceeds rupees one thousand but does not exceed three thousand rupees, the Deputy Commissioner of the District in which the deposit is made, and the Comptroller to the Government when the deposit is made in any treasury in the Bangalore District, may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased.

Amendment
of sections 6
and 7.

3. In sections 6 and 7 of the said Act, between the words "the Secretary of any such Bank" and the word "may", the following words shall be inserted, namely:—

"the Amildar of the Taluk, the Deputy Commissioner of the District, or the Comptroller to the Government, as the case may be."

Amendment
of section 8.

4. In section 8 of the said Act, for the word "one" between the words "exceed" and "thousand," the word "three" shall be substituted and in the proviso to the section, between the words and comma "the Secretary of such Bank," and the word "and" the following words and commas shall be inserted, namely:—

"the Amildar of the Taluk, the Deputy Commissioner of the District, or the Comptroller to the Government, as the case may be".

Amendment
of section 14.

5. In section 14 of the said Act, the words "by the Secretary of the Bank" shall be deleted.

REGULATION No. II OF 1930.*

(Received the assent of His Highness the Maharaja on the ninth day of January 1930.)

A Regulation to amend the Mysore Securities Regulation, 1925, for certain purposes.

Whereas it is expedient to amend the Mysore Securities Regulation, 1925, for certain purposes hereinafter appearing; It is hereby enacted as follows :— Preamble.

1. This Regulation may be called the Mysore Securities (Amendment) Regulation, 1930.
Short Title.

2. (1) In sub-section (1) of section 9 of the Mysore Securities Regulation, 1925 (hereinafter referred to as the said Regulation), after the word "lost" in both places where it occurs, the word "stolen" shall be inserted, and after the word "loss" in both places where it occurs, the word "theft" shall be inserted; and in sub-section (2) of the same section, after the word "loss", the word "theft" shall be inserted.

(2) To the same section, after sub-section (3), the following sub-section shall be added namely :—

"(4) If at any time before the Government becomes discharged under the provisions of this Regulation from liability in respect of any security, the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled."

* For discussions in the Representative Assembly, see Proceedings of the Assembly June 1928, page 27.

For the Bill and Statement of Objects and Reasons see the *Mysore Gazette* of 19h July 1928, Part III.

For the report of the Select Committee, see the *Mysore Gazette* of 18th April 1929, Part III.

For debates in the Legislative Council, see Proceedings of the Council, June 1928, p. 408, December 1928, pages 4-12, June 1929, page 439 and December 1929, page 168.

Insertion of
new section
17A.

Discharge in
respect of in-
terest.

3. After section 17 of the said Regulation, the following section shall be inserted, namely :—

“17A. Save as otherwise expressly provided in the terms of a Government security, no person shall be entitled to claim interest on any such security in respect of any period which has elapsed after the earliest date on which demand could have been made for the payment of the amount due on such security.”

REGULATION No. III of 1930.*

(Received the assent of His Highness the Maharaja on
the ninth day of January 1930.)

**A Regulation further to amend the Mysore
Income-tax Regulation, 1923, for certain purposes.**

Whereas it is expedient further to amend the Mysore V of 1928
Income-tax Regulation, 1923, for the purposes herein-
after appearing; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Short title
and com-
mencement.
Income Tax (Amendment) Regulation, 1930.

(2) It shall come into force on the first day of July
1930.

2. In Sub-section (2) of section 10 of the Mysore Amendment
of section 10.
Income-tax Regulation, 1923 (hereinafter referred to as
the said Regulation)—

(a) after clause (vii) the following clause shall be
inserted, namely:—

“(vii a) in respect of animals which have been
used for the purposes of the business otherwise
than as stock in trade and have died or become
permanently useless for such purposes, the
difference between the original cost to the
assesseees of the animals and the amount, if
any, realised in respect of the carcasses or
animals”;

(b) after clause (ix) the following proviso shall be
inserted, namely:—

“Provided that nothing in clause (viii) or clause
(ix) shall be deemed to authorise the allowance

* For discussions in the Representative Assembly, see Proceedings of the Assembly October-November 1928 pages 57-62 and 197-200.

For the Bill and Statement of Objects and Reasons see the *Mysore Gazette* of 29th November 1928, part III, pages 302-304.

For the report of the Select Committee, see the *Mysore Gazette* of 4th April 1929, part III, pages 61-62.

For debates in the Legislative Council, see Proceedings of the Council December 1928, pages 27-41, June 1929, page 456 and December 1929, Page 168.

of any sum paid on account of any cess, rate or tax levied on the profits or gains of any business, or assessed at a proportion of or otherwise on the basis of any such profits or gains."

Amendment
of section 14.

3. In clause (b) of sub-section (2) of section 14 of the said Regulation, after the words, "his share in the firm," the words "at the time of such assessment" shall be added.

Insertion of
new section
19A.

4. After section 19 of the said Regulation, the following section shall be inserted, namely :—

Supply of
information
re dividends.

"19A. The principal officer of every Company shall, on or before the 15th day of September in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and of the addresses, as entered in the register of shareholders maintained by the Company, of the shareholders to whom a dividend or aggregate dividends exceeding such amount as may be prescribed in this behalf has or have been distributed during the preceding year and of the amount so distributed to each such shareholder."

Insertion of
new section
25A.

5. After section 25 of the said Regulation, the following section shall be inserted, namely :—

Assessment
after partition
of a Hindu
undivided
family.

"25A. (1) Where, at the time of making an assessment under section 23, it is claimed by or on behalf of any member of a Hindu family hitherto undivided that a partition has taken place among the members of such family, the Income-tax Officer shall make such inquiry thereinto as he may think fit, and, if he is satisfied that a separation of the members of the family has taken place and that the joint family property has been partitioned among the various members or groups of members in definite portions before the end of the previous year, he shall record an order to that effect.

Provided that no such order shall be recorded until notices of the inquiry have been served on all the members of the family.

(2) Where such an order has been passed, the Income-tax Officer shall make an assessment of the total income received by or on behalf of the joint family as such as if no separation or partition had taken place, and each member or group of members shall in addition to any income-tax for which he or it may be separately liable and

notwithstanding anything contained in sub-section (1) of section 14, be liable for a share of the tax on the income so assessed according to the portion of the joint family property allotted to him or it.

And the Income-tax Officer shall make assessments accordingly on the various members and groups of members in accordance with the provisions of section 23.

Provided that all the separated members and groups of members shall be liable jointly and severally for the tax assessed on the total income received by or on behalf of the joint family as such."

6. For section 26 of the said Regulation, the following section shall be substituted, namely :—

Amendment
of section 26.

"26. (1) Where at the time of making an assessment under section 23, it is found that a change has occurred in the constitution of a firm or that a firm has been newly constituted, the assessments on the firm and on the members thereof shall, subject to the provisions of this Regulation, be made as if the firm had been constituted throughout the previous year and it is constituted at the time of making the assessment, and as if each member had received a share of the profits of that year proportionate to his interest in the firm at the time of making the assessment.

Change of
constitution
of a firm.

(2) Where, at the time of making an assessment under section 23, it is found that the person carrying on any business, profession or vocation has been succeeded in such capacity by another person, the assessment shall be made on such person succeeding as if he had been carrying on the business, profession or vocation throughout the previous year, and as if he had received the whole of the profits for that year."

Change of
ownership of
business.

7. In Sub-Section (1) of section 35 of the said Regulation—

(a) before the words "The Income-tax Officer may" the following words shall be inserted, namely :—

Amendment
of section 35.

"The Commissioner or Deputy Commissioner may, at any time within one year from the date of any order passed by him in appeal or, in the case of the Commissioner, in revision under section 33 and ";

(b) for the words "of the assessment" the words "of the appeal, revision or assessment, as the case may be," shall be substituted;

(c) for the words "such assessee" the words "the assessee" shall be substituted; and

(d) in the proviso, for the words "the Income-tax Officer" the words "the Commissioner, the Deputy Commissioner, or the Income-tax Officer, as the case may be," shall be substituted.

Amendment
of section 42.

8. In section 42 of the said Regulation, the following sub-section shall be added, namely:—

"(3) Where any profits or gains have accrued or arisen to any person directly or indirectly from the sale in Mysore by him or by any agency or branch on his behalf of any merchandise exported to Mysore by him or any agency or branch on his behalf from any place outside Mysore, the profits or gains shall be deemed to have accrued and arisen and to have been received in Mysore and no allowance shall be made under sub-section (2) of section 10 in respect of any buying or other commission whatsoever not actually paid, or of any other amounts not actually spent, for the purpose of earning such profits or gains."

Amendment
of section 46.

9. After sub-section (1) of section 46 of the said Regulation the following sub-section shall be inserted, namely:—

"(1A) For the purposes of sub-section (1) the Income-tax Officer may direct the recovery of any sum less than the amount of the arrears and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed the amount of the arrears payable."

Amendment
of section 51.

10. In clause (c) of section 51 of the said Regulation, after the words "mentioned in" the words and figures "section 19A," shall be inserted.

Amendment
of section 52.

11. In section 52 of the said Regulation, after the words "mentioned in" the words and figures "section 19A, or" shall be inserted.

Amendment
section 56.

12. The proviso to section 56 of the said Regulation, shall be omitted.

13. (1) In sub-section (1) of section 57 of the said Regulation, for the word "assessee" the word "person" shall be substituted. Amendment of section 57.

(2) For sub-section (2) of the same section the following sub-sections shall be substituted, namely:—

"(2) Where the Income-tax Officer has reason to believe that any person, who is a shareholder in a company, is resident out of Mysore and that the total income of such person will in any year exceed the maximum amount which is not chargeable to super-tax under the law for the time being in force, he may, by order in writing, require the principal officer of the company to deduct super-tax at the time of payment of any dividend from the company to the shareholder in that year.

"(3) If in any year the amount of any dividend or the aggregate amount of any dividends paid to any shareholder by a company (together with the amount of any income-tax payable by the company in respect thereof) exceeds the maximum amount of the total income of a person which is not chargeable to super-tax under the law for the time being in force, and the principal officer of the company has not reason to believe that the shareholder is resident in Mysore, and no order under sub-section (2) has been received in respect of such shareholder by the principal officer from the Income-tax Officer, the principal officer shall at the time of payment deduct super-tax on the amount of such excess."

(3) sub-section (3) of the same section shall be re-numbered as sub-section (4), and in that sub-section for the words "an assessee," the words "another person" and for the word "assessee," where it occurs for the second time, the word "person" shall be substituted.

14. To sub-section (1) of section 58 of the said Regulation the following proviso shall be added, namely:— Amendment of section 58.

"Provided that sub-sections (4) to (9) of section 18 shall apply, so far as may be, to the assessment, collection and recovery of super-tax under sub-section (2) or sub-section (3) of section 57."

15. (1) In section 59 of the said Regulation after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 59.

"(3) In cases coming under clause (a) of sub-section (2), where the income, profits and gains liable to

tax cannot be definitely ascertained, or can be ascertained only with an amount of trouble and expense to the assessee which, in the opinion of the Government, is unreasonable, the rules made under that sub-section may

(a) prescribe methods by which an estimate of such income, profits and gains may be made, and

(b) in cases coming under sub-clause (2) of clause (a) of sub-section (2) prescribe the proportion of the income which shall be deemed to be income, profits and gains liable to tax, and an assessment based on such estimate or proportion shall be deemed to be duly made in accordance with the provisions of this Regulation."

(2) Sub-sections (3) and (4) of the same section shall be renumbered as sub-sections (4) and (5), respectively.

Amendment
of section 66.

16. In the proviso to sub-section (2) of section 66 for the word "review" the word "revision" shall be substituted.

Insertion of
new section
66A.

17. After section 66 of the said Regulation the following section shall be inserted, namely:—

Reference to
be heard by
Benches of
the High
Court.

"66A. Where any case has been referred to the *High Court* under section 66, it shall be heard by a Bench of not less than two Judges of the *High Court* and in respect of such case the provisions of section 98, sub-section (1) of the Civil Procedure Code, Regulation III of 1911. shall apply.

Provided that where the Bench hearing the reference is composed of two Judges, and they differ in opinion or consider the points involved are so important as to be heard by a Full Bench they shall state such point or points on which they differ, or which they consider important as the case may be to a Full Bench, and the decision of the majority of such Judges on such Full Bench, shall be the decision of the *High Court.*"

— The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1930.

REGULATION No. IV OF 1930 *

(Received the assent of His Highness the Maharaja
on the 30th day of January 1930.)

**A Regulation further to amend the Mysore
Prevention of Adulteration Regulation, 1921.**

Whereas it is expedient further to amend the Mysore Prevention of Adulteration Regulation, 1921 ; It is hereby enacted as follows :— Preamble.

1. This Regulation may be called the Mysore Prevention of Adulteration (Amendment) Regulation, 1930. Short title.

2. In section 2 of the Mysore Prevention of Adulteration Regulation, 1921, (hereinafter referred to as the said Regulation), after the definition of " food " the following definitions shall be inserted, namey :— Amendment of Section 2

"Milk " means, the normal clean secretion drawn from the udder of a healthy cow or buffalo.

"Cream" means, that portion of milk rich in milk-fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force.

3. In section 5 of the said Regulation,—

(a) in sub-section (1)

Amendment of section 5.

(i) for the words " manufactures for sale or offers for sale " in clause (b) the words " manufactures for sale, stores for sale, or offers for sale " shall be substituted ;

(ii) for clause (d) the following clause shall be substituted, namely :—

* For discussions in the Representative Assembly, see Proceedings of the Assembly June 1928, pages 70-71.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 19th July 1928, Part III.

For the report of the Select Committee, see the *Mysore Gazette* of 21st March 1929, Part III pages 51-52.

For debates in the Legislative Council see Proceedings of the Council June 1928 page 411, December 1928, page 12, June 1929, page 439 and December 1929, page 168.

“(d) offers for sale or hawks about or sells milk, cream, butter, ghee, cheese or any food which is not up to the standard of purity prescribed by the Government”; and

(b) in sub-section (2), for the words “who is in the habit of manufacturing like articles of food, has been manufactured for sale” the following shall be substituted, namely :—

“who is in the habit of manufacturing or storing like articles for sale, has been manufactured or stored by such person for sale”

Amendment
of section 20.

4. In section 20 of the said Regulation,—

(i) In clause (e), for the words “ghee and cheese” the words “ghee, cheese and any food” and for the words “ghee or cheese” the words “ghee, cheese or any food” shall respectively be substituted;

(ii) After clause (e), the following clauses shall be inserted, namely :—

“(f) prohibiting or regulating in the interests of public health—

(i) the addition of water or other diluent or adulterant to any food;

(ii) the abstraction of any ingredient from any food; and

(iii) the sale of any food to which such addition or from which such abstraction has been made or which has been otherwise artificially treated;

“(g) providing for the manner in which any receptacle containing dried, condensed, skimmed or separated milk is to be labelled or marked;

“(h) authorising the person taking samples of any food for the purpose of analysis under this Regulation to add preservatives to such sample for the purpose of maintaining it in a suitable condition for analysis and regulating the nature of such preservatives and the method of adding them”;

(iii) in the last paragraph, for the words, letters and brackets “under clauses (c) and (d)” the words, letters and brackets “under clauses (c) (d), (f) and (g)” shall be substituted.

REGULATION No. V OF 1930.

(Received the assent of His Highness the Maharaja on the 1st day of April 1930.)

A Regulation to provide for certain matters in connection with the taking of the Census.

Whereas it has been determined to take a Census of Mysore during the year 1931, and it is expedient to provide for certain matters in connection with the taking of such Census; It is hereby enacted as follows:—

Preamble.

1. (1) This Regulation may be called “the Mysore Census Regulation, 1930.”

Title, extent and commencement.

(2) It extends to the whole of Mysore, and

(3) It shall come into force at once.

2. (1) The Government may appoint any person to take, or aid in or supervise the taking of, the Census within any specified local area.

Appointment of Census Officers.

(2) Persons so appointed shall be called Census Officers.

(3) The Government may delegate to such authority as it thinks fit the power of appointing Census Officers which is conferred by this section.

3. (1) A declaration in writing, signed by any officer authorised by the Government in this behalf, that any person has been duly appointed a Census Officer for any local area shall be conclusive proof of such appointment.

Proof of appointment of Census Officers, and their status as public servants.

(2) All Census Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

4. (1) (a) Every officer in command of any body of men belonging to His Highness the Maharaja's Military Forces,

Discharge of duties of Census Officers in certain cases.

(b) every person in charge of a lunatic asylum, hospital, work-house, prison, or lock-up, or of any public, charitable, religious or educational institution,

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 16th January 1930, Part III, Page 8.

For debates in the Legislative Council, see Proceedings of the Council, March 1930, Pages 506—507

(c) every keeper, secretary or manager of any chat-tram, hotel, boarding-house, lodging-house, emigration depot, or club, and

(d) every occupant of immovable property who has at the time of the taking of the Census not less than twenty persons living on or in such property, and every manager or officer of a railway or other commercial or industrial establishment who has at such time not less than ten persons employed under him,

shall, if so required by the District Magistrate, or by such officer as the Government may appoint in this behalf, perform such of the duties of a Census Officer in relation to the persons who at the time of the taking of the Census are under his command or charge, or are inmates of his house or present on or in such immovable property, or are employed under him, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Regulation relating to Census Officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of
District
Magistrate
to call upon
certain
persons to
give assist-
ance.

5. (1) 'The District Magistrate, or such officer as the Government may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(a) all owners and occupiers of land, tenure-holders, farmers, and assignees of land-revenue or their agents ;

(b) all village officers and servants in alienated tracts including Inam and Kayamgutta villages and Jahgirs ; and

(c) all members and officers of Village Panchayets, District Boards and Municipal Councils constituted under the Mysore Village Panchayet Regulation, 1926, the Mysore District Boards Regulation, 1926 and the Mysore Municipal Regulation, 1906 ;

to give such assistance as he needs towards the taking of a Census of the persons who are at the time of the taking of the Census on the lands of such owners, occupiers, holders, farmers and assignees, or in the villages or other areas for which such village officers and servants are

appointed or such Panchayets, District Boards and Municipal Councils are constituted, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees and lessees or their agents and such village officers and servants and the members and officers of such Panchayets, District Boards and Municipal Councils, shall be bound to obey it.

6. Every Census Officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the *Official Gazette*, he may be directed to ask.

Asking of questions by Census Officers.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief ;

Obligation to answer questions.

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

8. Every person occupying any house, enclosure or other place shall allow Census Officers such access thereto as they may require for the purposes of the Census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the Census.

Occupier to allow access, and permit affixing of numbers.

9. (1) Subject to such orders as the Government may issue in this behalf, any Census Officer may leave, or cause to be left—

Occupier or manager to fill up schedule.

(a) at any dwelling-house within the local area for which he is appointed, or

(b) with any manager or officer of any commercial or industrial establishment who has at the time of the taking of the Census not less than ten persons employed under him,

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part or the persons employed under such manager

or officer at the time of the taking of the Census, as the case may be.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates or the manager or officer with whom it is left shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, or the persons employed under him at the time aforesaid, as the case may be, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the Census Officer, or to such person as the Census Officer may direct.

Penalties.

10. In any of the following cases, namely :—

(a) if a Census Officer or a person lawfully required to give assistance towards the taking of a Census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Regulation, or with any rule duly made thereunder,

(b) if a Census Officer intentionally puts any offensive or improper question or knowingly makes any false return, or without the previous sanction of the Government, discloses any information which he has received by means of or for the purposes of a Census return,

(c) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a Census Officer which he is legally bound by section 7 so to answer,

(d) if any person occupying any house, enclosure or other place refuses to allow a Census Officer such reasonable access thereto as he is required by section 8 to allow,

(e) if any person removes, obliterates, alters or injures before the nineteenth day of August 1931 any letters, marks, or numbers which have been painted or affixed for the purposes of the Census,

(f) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under section 9 knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

**Jurisdiction
in prosecutions.**

11. (1) The Government may, by notification in the *Official Gazette*, declare before what classes of Magistrates prosecutions under this Regulation may be instituted.

(2) No prosecution under this Regulation shall be instituted except with the previous sanction of the Government, or of some officer authorised by the Government in this behalf.

12. No person shall have a right to inspect any book, register or record made by a Census Officer in the discharge of his duty as such officer or any schedule delivered under section 9, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1904.

Records of Census not open to inspection or admissible in evidence in certain proceedings.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a Census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the Census of Mysore during the year 1931, cause the Census of the municipality to be taken wholly or in part by any method authorised by this Regulation.

Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

14. Notwithstanding anything in any enactment or rule, in regard to Municipal, District or Village Funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Regulation may be charged to any Municipal, District or Village Fund constituted for, and on behalf of, the area within which such expenses were incurred.

Power in regard to expenses.

15. (1) The Government may make rules for carrying out the purposes of this Regulation.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing—

(a) for the appointment of Census Officers and of persons to perform any of the duties of Census Officers or to give assistance towards the taking of a Census and for the general instructions to be issued to such officers or persons,

(b) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision, and

(c) for the enumeration of persons travelling on the night when a Census is taken.

REGULATION No. VI OF 1930.

*(Received the assent of His Highness the Maharaja
on the seventh day of April 1930.)*

**A Regulation further to amend the Code of
Civil Procedure, 1911.**

Whereas it is expedient further to amend the Code of Civil Procedure, 1911, it is hereby enacted as follows :—

1. (1) For Sub-section (13A) of section 2 of the said Code, the following shall be substituted :

“ (13A) ‘ Mysore Military Forces ’ means and includes the Mysore Lancers, the Mysore Horse, the Mysore Infantry, the Mysore Transport Corps and the Palace Troops.”

(2) In Sub-section (14A) of the same section, the words ‘ the Jillo Forces ’ shall be inserted between the word in brackets ‘ (Artillery) ’ and the words ‘ and the English Band.’

For Discussions in the Representative Assembly, *See the Proceedings of Assembly, October 1929, Pages 101—102.*

For the Bill and Statement of Objects and Reasons, *See the Mysore Gazette of 21st November 1929, Part III, Page 202.*

For Debates in the legislative Council, *see the Proceedings of the Council, December 1929, Pages 10—12, and March 1930, Page 543.*

REGULATION No. VII OF 1930.

(Received the assent of His Highness the Maharaja on the seventh day of April 1930.)

**A Regulation further to amend the Indian Penal Code
as in force in Mysore.**

Whereas it is expedient further to amend the Indian Penal Code as in force in Mysore; It is hereby enacted as follows :—

In Section 21 of the Code, after clause “Eleventh” the following clause shall be added :—

“*Twelfth.*—Every person employed in the household of His Highness the Maharaja of Mysore whose duty it is, to take, receive, keep or expend any property, or to make any contract, on behalf of the Palace, or to make, authenticate or keep any document relating to the pecuniary interests of the Palace, or to preserve order or to protect person or property in any place belonging to or intended for the use or occupation of His Highness the Maharaja.”

For Discussions in the Representative Assembly, *See* the Proceedings of the Assembly, October 1929, Pages 102—103.

For the Bill and Statement of Objects and Reasons, *See* the *Mysore Gazette* of 28th November 1929, Part III, Page 220.

For the Report of the Select Committee, *See* the *Mysore Gazette* of 13th February 1930, Part III, Pages 27—28.

For Debates in the Legislative Council, *See* the Proceedings of the Council, December 1929, Pages 156—167 and March 1930, Page 527.

REGULATION No. VIII OF 1930.

(Received the assent of His Highness the Maharaja on the seventh day of April 1930.)

A Regulation further to amend the Mysore District Board Regulation, 1926.

Whereas it is expedient further to amend the Mysore District Board Regulation, 1926, in certain particulars; It is hereby enacted as follows:—

Amendment
of Section.

1. In Section 35 of the said Regulation,

(1) a comma shall be inserted after the words “the District Inspector of Schools” and the word “and” next following shall be deleted; and

(2) between the words “Assistant Registrar of Co-operative Societies” and the word “shall” the following words shall be inserted, namely, “and the District Economic Superintendents and such other officers as may be notified by the Government from time to time in this behalf.”

For Discussions in the Representative Assembly, *see* the Proceedings of the Assembly, Budget Session 1929, pages 22-24.

For the Bill and statement of Objects and Reasons, *See* the *Mysore Gazette* of 25th July 1929, Part III, Page 162.

For Debates in the Legislative Council, *see* the Proceedings of the Council, December 1929, Pages 12-15 and March 1930, Page 544.

REGULATION No. IX OF 1930.

(Received the assent of His Highness the Maharaja on the seventh day of April 1930.)

A Regulation further to amend the Mysore Municipal Regulation, 1906.

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906; It is hereby enacted as follows:—

After section 138, the following new section shall be inserted:—

“138A. It shall be lawful for the Municipal Council to publish by a notification in the Official Gazette that no place within Municipal limits shall be used for burning bricks for other than trade purposes without a license from the Municipal Council and except in accordance with the conditions specified therein;

Licenses to be taken for burning bricks for other than trade purposes.

Provided that no such notification shall take effect until 60 days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the Municipal Council for a license therefor.

(3) The Municipal Council may, by an order and under such restrictions as they think fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.”

For Discussions in the Representative Assembly, see Proceedings of the Assembly, October 1929 Pages 97-99.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 28th November 1929, Part III, Page 206.

For Debates in the Legislative Council, see the Proceedings of the Council, December Session 1929, Pages 152-156 and March 1930, Page 543.

REGULATION No. X OF 1930.

*(Received the assent of His Highness the Maharaja
on the seventh day of April 1930.)*

Mysore Elementary Education Regulation.

Whereas it is the policy of the Government of His Highness the Maharaja to provide for the progressive expansion and development of elementary education in the State with a view to reach within a reasonable time the goal of universal elementary education, and whereas it is expedient to invest local authorities with powers for providing and controlling elementary education and whereas it is expedient to define the duties and responsibilities of local authorities in the matter of the management, control and financing of elementary education; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Regulation may be called the Mysore Elementary Education Regulation, 1930.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of January 1931.

Definitions

2. In this Regulation, unless there is anything repugnant in the subject or context:

“ District Board ” means a District Board constituted under the Mysore District Boards Regulation, 1926.

For Discussions in the Representative Assembly, *see* the Proceedings of the Assembly, Dasara Session, October 1929 Pages 296-321.

For the Bill and Statement of Objects and Reasons, *see* the *Mysore Gazette* of 28th November 1929, Part III, Page 218.

For the Report of the Select Committee, *see* the *Mysore Gazette* 20th February 1930 Part III Pages 42-75-79-87.

For Debates in the Legislative Council, *see* the Proceedings of the Council, December 1929, Pages 122-151 and March 1930, Pages 527-542.

“ Education Department ” means the Director of Public Instruction in Mysore and shall include any officer or authority subordinate to the Director of Public Instruction to whom any of his functions may be delegated by the Government.

“ Elementary Education ” means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other Vernacular language in such subjects and up to such standards as may be prescribed or approved, from time to time, by the Government for the purposes of this Regulation.

“ Local Education Authority ” means :—

(a) the City Municipal Council in a City Municipality,

(b) such other local authority as is declared under section 3 of this Regulation to be the Local Education Authority for the area under its jurisdiction, and

(c) in other areas, urban as well as rural, the District Board of the District.

“ Municipality ” or “ Municipal Council ” means a Municipality or Municipal Council constituted under the Mysore Municipal Regulation, 1906.

“ Non-official ” means a person who is not in the civil or military service of the Government.

“ Parent ” includes the guardian and every person who is liable to maintain any child.

“ Prescribed ” means prescribed by rules made by the Government under this Regulation.

“ Recognised school ” means a school or a department of a school recognised by the Education Department for the purposes of this Regulation.

“ School-place ” means such accommodation and equipment as may be prescribed as necessary for a pupil.

“ Village Aided School ” means a primary school managed by a Village Panchayet or by a village community as a whole, or by a section of a village community and in receipt of aid whether from State funds or from education cess levied by a local authority.

“ Village Panchayet ” means a Village Panchayet constituted under the Village Panchayet Regulation, 1926.

CHAPTER II.

LOCAL EDUCATION AUTHORITIES AND SCHOOL BOARDS.

Local
authorities
which may be
declared Local
Education
Authorities.

3. For the purposes of this Regulation the Government may, by notification in the Official Gazette, declare the Sanitary Board constituted for the Kolar Gold Field under the Mysore Mines Regulation, 1906, or any Town Municipal Council to be the Local Education Authority for the area under the jurisdiction of such Board or such Municipal Council.

Vesting of
responsibility
in Local
Education
Authorities.

4. Every Local Education Authority shall, subject to the provisions hereinafter laid down, be responsible for the consolidation, expansion and development of elementary education within the local limits of its jurisdiction.

Transfer of
Government
and village
aided schools
to Local
Education
Authorities.

5. (1) As soon as may be after this Regulation comes into force, (i) all Government Primary Schools, with their lands, buildings, records and equipment situated in the area subject to each Local Education Authority, and (ii) the administration of grants to village aided schools and the control over such schools in such area, shall be transferred to the Local Education Authority and the Government shall pay over annually to the said Local Education Authority the amount spent from State funds and local cess for the maintenance of all such Government schools and for the payment of grants to such aided schools during the financial year preceding that during which the transfer is effected.

(2) The Government may also, whenever it deems fit, transfer to a Local Education Authority the administration of grants to, and the control over, any other aided elementary school situated within the area subject to the jurisdiction of such Authority.

Absorption
of staff of the
schools
transferred
to Local
Education
Authorities.

6. (1) A Local Education Authority shall take over and employ all such teachers of Government Primary Schools transferred under section 5, as the Government may direct, on the same terms and conditions on which such persons were employed under the Government.

(2) The rights, liabilities, duties and powers of the Government in respect of such teachers shall vest in, and shall be exercised or performed by, the Local Education Authority, provided.—

(a) that any such teacher shall have a right of appeal to the Government against any order of dismissal, and

(b) that the scales of pay and allowances applicable to such teachers at the time at which they were taken over and employed by the Local Education Authorities shall not be reduced without the previous sanction of the Government.

7. No tuition fee shall be charged in any elementary school maintained by a Local Education Authority.

Tuition fee
not to be
charged.

8. The Local Education Authority shall conform to the regulations and rules issued from time to time by the Government in respect of the courses of study, syllabuses, text-books, school buildings, equipment, examinations, recruitment, qualifications and emoluments of teachers, standards of teaching, physical culture and medical inspection of school children, hours of work in schools, vacations, holidays and the administration of grants to aided schools; provided that any of such regulations and rules may be altered by the Local Education Authority with the sanction of the Government to suit local requirements.

Conformity
to standards
in the matter
of teaching,
equipment,
etc.

9. (1) Every elementary school maintained or aided by a Local Education Authority shall be open during school hours to inspection by the Education Department for the purpose, in particular, of ascertaining:—

Departmental
inspection
and control.

(a) whether the regulations and rules issued or sanctioned under section 8 are complied with;

(b) whether the programmes of expansion and compulsion sanctioned under sections 28 and 34 are being carried out, and

(c) whether the prescribed registers and records are being maintained.

(2) It shall be the duty of the Local Education Authority to give effect to all instructions and directions that may be communicated to it on the result of such inspections by officers of the Education Department of such grade as may be prescribed, subject to a right of appeal to the Director of Public Instruction and, in cases in which the instructions or directions have been issued by the Director, to the Government.

10. In case of failure on the part of the Local Education Authority to conform to the regulations and rules issued under section 8 or to give effect to the instructions and directions communicated under section 9, or to perform any of the duties hereinafter imposed upon

Penalty for
non-
compliance
with
Departmental
requirements.

it, such portion of the contribution by the Government in respect of the educational institutions concerned as may be decided by the Government shall be liable to be withheld or deducted.

Power to levy cesses, raise loans and collect subscriptions, etc.

11. (1) Any Local Education Authority may, for the purposes of this Regulation and subject to such rules as may be prescribed, levy throughout or in any specified part of the area under its jurisdiction an education cess or an additional education cess on such items of State revenue, revenue forming part of the District Fund, and Municipal-tax and at such rates as may be approved by the Government from time to time.

(2) A Local Education Authority may, with the previous sanction of the Government and subject to such conditions as may be imposed upon it from time to time, raise loans for constructing school buildings or for providing school equipment or for other non-recurring expenditure and form a sinking fund for the repayment of such loans.

(3) A Local Education Authority may also collect subscriptions and donations, and accept gifts and endowments for purposes of elementary education.

Existing sanctioned expenditure from education cess for other purposes to continue.

12. The amount of annual expenditure, sanctioned by the Government prior to the commencement of this Regulation to be met out of the collections from education cess for purposes other than those of elementary education, shall be made available for such purposes after this Regulation comes into force out of the collections from the cess continued under the first proviso to section 49 or levied under section 11, as the case may be, and shall be placed at the disposal of the Government as heretofore.

Constitution of Elementary Education Fund.

13. There shall be constituted for each Local Education Authority an Elementary Education Fund to which shall be credited:

(a) the amount transferred by the Government to the Local Education Authority under section 5,

(b) the amount of any Government grant under sections 29 and 35,

(c) subject to the provisions of section 12, the amount of all collections from education cess levied under section 11 or continued under the first proviso to section 49,

(d) the interest on the investments made under section 15,

(e) the income derived from gifts, endowments, subscriptions and donations and from other property owned and managed by the Local Education Authority for the purposes of elementary education,

(f) all fines and penalties levied under this Regulation in cases arising within the jurisdiction of the Local Education Authority,

(g) all fees, if any, collected in elementary schools managed by the Local Education Authority for the medical inspection of school children and for such other special purposes as may be approved by the Government, and

(h) all other sums that may be contributed by local authorities from their own funds for the purposes of this Regulation.

14. All property vested in a Local Education Authority under this Regulation, all funds received by it in accordance with the provisions of this Regulation and all sums accruing to it under the provisions of any law for the time being in force shall be applied, subject to the provisions and for the purposes of this Regulation, within the local limits of its jurisdiction :

Property and funds how to be applied.

Provided that it shall be lawful for a Local Education Authority, with the sanction of the Government, to incur expenditure beyond the said limits for the purpose of educational experiments, educational conferences and exhibitions, the training of teachers or any other undertaking or scheme for the improvement of elementary education.

15. (1) It shall be lawful for a Local Education Authority to deposit at interest with the Mysore Government Savings Bank or, with the previous sanction of the Government, in any Bank in Mysore, any surplus funds in its hands which may not be required for current expenses and with the like sanction invest such funds in securities of the Government of Mysore or of the Government of India or such other securities, as the Government may from time to time approve in this behalf, and to vary such investment or dispose of such securities.

Power to deposit and invest surplus funds

(2) All sums over and above what is invested as provided for in sub-section (1) shall be kept in a Government Treasury.

Surplus not so deposited or invested how to be dealt with.

(3) A Local Education Authority shall not, except with the previous sanction of the Government, mortgage or charge, or transfer by sale, gift, exchange or otherwise any part of the immovable property vested in it.

Transfer of immovable property.

(4) A disposal of immovable property by a Local Education Authority in contravention of sub-section (3) shall be void.

Submission to Government of budget of income and expenditure.

16. (1) Every Local Education Authority shall submit to the Government through the Education Department in such form and on or before such date as may be prescribed, a budget of income and expenditure for the ensuing financial year.

(2) The Government may pass such orders as it thinks fit in respect of the budget and the Local Education Authority shall conform to the budget as sanctioned by the Government.

Audit of accounts.

17. The accounts of each Local Education Authority shall be examined and audited not less than once a year by an officer appointed by the Government in this behalf and the Local Education Authority shall carry out any instructions which the Government may issue on the audit report.

Submission to Government of prescribed reports and statements.

18. Every Local Education Authority shall submit to the Government and to the Education Department such reports and statements as may be prescribed.

Constitution of School Boards.

19. (1) Every Local Education Authority shall have a School Board consisting of—

- (a) elected members, and
- (b) members nominated by the Government.

(2) The number of elected members shall be not less than two-thirds of the total number. They shall be elected by the Local Education Authority in accordance with such rules as may be prescribed and shall include so far as may be, representatives of such interests as women's education, education of Muslims and of the backward and depressed classes, and, if the Local Education Authority is a District Board, also representatives of Municipal Councils, which are not Local Education Authorities, in the District. The members so elected shall not necessarily be members of the Local Education Authority.

(3) The remaining members shall be appointed by the Government by name or by virtue of their office.

(4) The total number of members shall be fixed by the Government from time to time either generally or specially for any particular School Board.

(5) The Chairman of the School Board may be either appointed by the Government from among its non-

official members, or if the Government so directs, elected by the School Board from among its non-official members subject to such rules and conditions as may be prescribed.

20. (1) The term of the School Board shall be co-extensive with that of the Local Education Authority, provided that members of the Board shall continue in office till a new School Board is constituted.

Term of
School Boards
and casual
vacancies.

(2) Casual vacancies occurring during the term of the School Board shall be filled by election or nomination, as the case may be, for the remaining period.

21. Subject to such general control of the Local Education Authority as may be prescribed, the School Board shall exercise the powers and perform the duties of the Local Education Authority for which it is constituted in respect of elementary education, except the power of raising a cess or borrowing money.

Powers and
duties of
School
Boards.

22. The School Board shall submit its annual budget of income and expenditure and all alterations therein to the Local Education Authority, and the Local Education Authority shall as provided in section 16 submit such budget to the Government with any modifications that it may deem fit to make.

Annual
budget of
School Board.

23. The School Board may, from time to time, appoint such sub-committees consisting either wholly or partly of members of the Board, as the Board thinks fit, and, under bye-laws to be made by the School Board with the approval of the Local Education Authority, delegate any of its powers and duties to such sub-committees or to a member, or honorary or stipendiary officer. Such sub-committees or member or officer shall conform to any instructions that may, from time to time, be given by the School Board. The Board may, at any time, discontinue or alter the constitution of any sub-committee so formed, or withdraw any of the powers so delegated.

Delegation of
duties by
School
Boards.

24. (1) Subject to the provisions of Section 26, the Local Education Authority shall, after inviting and considering the suggestions, if any, of the School Board and with the approval of the Government, appoint an officer who shall be called the School Board Officer. He shall be the chief executive officer of the School Board and his pay, powers and duties shall be determined by rules made in this behalf by the Local Education Authority and sanctioned by the Government,

School
Board Officer.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended otherwise than by the votes of at least two-thirds of the whole number of the members of the Local Education Authority.

Appointment
of subordinate
staff.

25. The School Board may, subject to such rules as may be prescribed, appoint such Assistants for the supervision and inspection of schools and such clerical and menial staff as it may deem necessary.

Appointment
of officers of
Education
Department
as School
Board Officers
etc.

26. The School Board Officer and his Assistants for the supervision and inspection of schools shall, if the Government so directs, be appointed from among the officers under the Education Department, subject to such rules as may be prescribed.

CHAPTER III.

EXPANSION OF ELEMENTARY EDUCATION ON VOLUNTARY BASIS.

Preparation
and
submission of
programme
and
statement.

27. (1) Every Local Education Authority shall, within a period of one year after this Regulation comes into force, prepare a programme of educational expansion so as to provide within a period not exceeding ten years for a sufficient number of school places for all children not being less than six or more than twelve years of age who are likely to attend schools for elementary education voluntarily, within the local limits of its jurisdiction, with at least one school for every village panchayet in case where the Local Education Authority is a District Board, and shall submit such programmes to the Government along with a detailed statement, in such form as may be prescribed, containing the following particulars:—

(a) the number of children not being less than six or more than twelve years of age within such area and the number among them who may be expected to attend elementary schools on a voluntary basis,

(b) the attendance at existing elementary schools and the accommodation, staff and equipment available,

(c) the school accommodation, staff and equipment required if suitable and adequate provision is to be made for the elementary education of all children referred to in clause (a) likely to attend primary schools voluntarily,

(d) the additional supervising and inspecting staff that will be required,

(e) the manner in which and the period within which it is proposed to provide the school accommodation, staff and equipment referred to in clauses (c) and (d),

(f) the existing expenditure incurred on elementary education within the said area and the expenditure to be incurred yearly in order to provide such school accommodation, staff and equipment, and

(g) the receipts already available and the income including the probable receipts from any education cess that may be levied under section 11.

(2) If the Local Education Authority fails to submit such programme and statement within one year, or within such extended period as the Government may sanction, the Government may have the same prepared by such person as it thinks fit to appoint for the purpose.

(3) All the expenses incurred in connection with the preparation of the programme and statement under sub-section (2) shall be defrayed by the Local Education Authority.

28. The Government after considering such programme and statement and the condition and resources of the Local Education Authority and after determining the amount of financial assistance from the Government which may be necessary, may, if satisfied that the Local Education Authority is able to meet the remaining portion of the additional recurring and non-recurring cost, sanction the scheme with or without any modification.

Sanction of the programme by Government.

29. If the scheme is sanctioned, the Government shall bear not less than one-half of the approved additional recurring and non-recurring cost thereof and make an annual grant equivalent to its share of such cost to the Local Education Authority:

Government grant for scheme.

Provided that the Government grant towards the additional recurring and non-recurring annual cost of the schemes of expansion under this Chapter for the State as a whole shall not be less than three-fifths of such cost in the aggregate.

30. When the scheme is sanctioned the Local Education Authority shall make adequate provision for carrying it into effect and raise the funds required therefor

Scheme to be put into operation by the Local Education Authority,

by levying an education cess or an additional education cess under section 11 or otherwise.

Modification
and
supplemen-
ting of
sanctioned
scheme.

31. Any scheme sanctioned under section 28 may, from time to time, be modified or supplemented by the Local Education Authority with the sanction of the Government.

Default by
Local
Education
Authority.

32. (1) If, within a reasonable time after the scheme has been sanctioned by the Government, a Local Education Authority omits to carry out the programme, or having carried it out omits to keep it in reasonable operation, the Government shall bring it into operation or keep it in operation, as the case may be, and its stipulated share of the expenses thereof shall be paid by the Local Education Authority to the Government.

(2) For the purposes of carrying out the scheme under this section the Government may also levy an education cess or an additional education cess under section 11 as if it were the Local Education Authority.

CHAPTER IV.

COMPULSORY EDUCATION

Programmes
of Compulsory
Education.

33. Any Local Education Authority may submit to the Government a scheme of compulsory elementary education of all children between the ages of six and ten years for a specified part of the local area of its jurisdiction, and every Local Education Authority shall within a period of ten years after this Regulation comes into force submit to the Government a programme of compulsory education of all children between the ages aforesaid throughout the local area of its jurisdiction.

Every such scheme and programme shall contain the following particulars :—

- (a) the area of compulsion,
- (b) a census of children of both the sexes classified by communities and vernaculars,
- (c) a list of existing and proposed schools indicating the private schools which are recognised schools,
- (d) a schedule of existing teaching, inspecting and supervising staff,
- (e) the manner in which provision will be made for the compulsory elementary education of the children in the area of compulsion,

(f) the addition to the recurring and non-recurring cost of elementary education entailed by the scheme or programme of compulsion and how and in what stages the Local Education Authority proposes to meet its share, and

(g) if there is any Municipal Council which is not a Local Education Authority within the area of compulsion, the annual contribution which the Municipality in the opinion of the Local Education Authority should make, and in the case of other areas the annual contribution which the village panchayet for such area should make.

34. The Government may, after such enquiry as it may deem necessary, sanction such scheme or programme with or without modification or return it to the Local Education Authority for further consideration.

Sanction of programme by Government and notification.

If the scheme is sanctioned, the Government shall issue a notification indicating the area of compulsion and the date from which compulsion shall be enforced.

35. If the scheme is sanctioned, the Government shall bear not less than one-half of the additional recurring and non-recurring annual cost of the scheme.

Government grant towards cost of scheme.

36. When a scheme is sanctioned the Local Education Authority shall make adequate provision for compulsory elementary education within the area of compulsion and raise the funds required therefor by levying a cess or an additional cess under section 11.

Scheme to be put into operation by the Local Education Authority.

37. A sanctioned scheme may, with the approval of the Government, be withdrawn or from time to time modified by a Local Education Authority or be modified, cancelled or temporarily suspended by an order of the Government.

Withdrawal or modification of a scheme of compulsion.

38. (1) If a Local Education Authority makes default in preparing a programme of compulsion throughout the area of its jurisdiction within the time provided in section 33 or after the scheme is sanctioned by the Government, omits to make adequate provision for compulsory elementary education in accordance with the scheme as sanctioned and to bring it into operation or keep it in operation, the Government may after due enquiry make such arrangement as it deems fit for the scheme being prepared and brought into operation or kept in operation as the case may be, and the expenses thereof shall be paid by the Local Education Authority to the Government.

Default by Local Education Authority.

(2) For the purposes of carrying out the scheme under this section the Government may also levy an education cess or an additional education cess under section 11 as if it were the Local Education Authority.

Duty of parent to send child to school.

39. (1) In every area notified under section 34 it shall be the duty of the parent of every child not under six and not over ten years of age, residing within such area, to cause such child to attend a recognised school for elementary education for so many days in the year and for such time on each day of attendance as may be prescribed by the Education Department, unless there is a reasonable excuse for the non-attendance of the child.

Non-attendance when excusable

Explanation.—Any of the following circumstances is a reasonable excuse for non-attendance:—

(a) that there is no recognised school within a distance of one mile from the residence of the child which the child can attend;

(b) that the child is prevented from attending school by reason of sickness, infirmity, or other unavoidable cause;

(c) that the child is receiving instruction in some other satisfactory manner; or

(d) that the child has been exempted from such attendance by proper authority.

(2) Where there is a reasonable excuse for non-attendance, a certificate of exemption may be granted by such authority and in such manner as may be directed by the Local Education Authority.

No compulsion regarding attendance of religious classes.

40. If in a recognised school in any area notified under section 34 religious classes are held, no child shall be compelled to attend such classes against the wishes of his parent.

Prohibition of child's employment.

41. No person shall, without the permission of the School Committee appointed under section 42, employ during school hours any child not being less than six or more than ten years of age, who is required to attend a recognised school under this Chapter.

Appointment of School Committees.

42. For the purpose of enforcing the provisions of this Chapter one or more School Committees may be appointed for each specified area with such powers and in such manner as may be prescribed.

Prosecution of parent.

43. (a) A parent who, without lawful excuse, fails to send to a recognised school a child to whom section 39

applies shall be liable on conviction before a Magistrate to a fine not exceeding two rupees provided that a warning in writing shall have been served on the parent by a School Committee or by an Inspecting Officer authorised by the School Board in that behalf.

(b) In cases of repeated non-compliance, the parent shall, on conviction before a Magistrate, be liable to a fine not exceeding ten rupees.

Penalty for repeated non-compliance.

. 44. Any person who knowingly employs any child in contravention of the provisions of section 41 shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees.

Employer's liabilities.

CHAPTER V.

MISCELLANEOUS.

45. A Local Education Authority may, subject to such rules as may be prescribed, invest any Municipal Council which is not itself a Local Education Authority or any village panchayet within the local limits of its jurisdiction with all or any of the following powers of supervision and local control over elementary schools :

Delegation powers to Municipal Councils and Village Panchayets.

- (a) to disburse the salaries of teachers,
- (b) to grant leave to teachers for short periods,
- (c) to appoint substitutes in vacancies arising from the absence of teachers on leave or otherwise,
- (d) to maintain and repair school buildings and equipment,
- (e) to visit schools and to report on their condition to the School Board Officer, and
- (f) to act as the School Committee for the purposes of section 42.

46. If the expenses payable by a Local Education Authority under section 12, or under sub-section (3) of section 27 or under sub-section (1) of section 32 or under sub-section (1) of section 38 are not paid, the Government may direct by an order any person who has for the time being custody of any moneys on behalf of the Local Education Authority either as banker or in any other capacity whatsoever to pay such expense from such money as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

Recovery of expenses payable to Government but not paid by the Local Education Authority.

Delegation of
powers by
Government.

Power to
make rules.

47. The Government may delegate any of its powers under this Regulation to the Director of Public Instruction.

48. (1) The Government may make rules to carry out all or any of the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for and regulate :—

(a) the levy of education cess under section 11,

(b) the medical inspection of school children and the cost of such inspection,

(c) the furnishing of reports and statements under section 18,

(d) the constitution and working of School Boards,

(e) the election of the Chairmen of School Boards,

(f) the extent of control of a Local Education Authority over its School Board,

(g) the conditions of appointment of officers of the Education Department as officers under the School Board,

(h) the form of the statements to be submitted under section 27,

(i) the conditions of recognition of elementary schools and the exercise of the powers of recognising such schools,

(j) the appointment, powers and duties of School Committees,

(k) the inspection of schools and the employment of a special agency for the inspection of Urdu Schools, and

(l) the training of teachers.

Repeal

49. (1) All notifications issued under section 1 and section 11 of the Elementary Education Regulation, 1913, are hereby repealed.

(2) The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof :

Provided that any education cess levied by a District Board or a Municipal Council which is a Local Educational Authority under the provisions of the enactments aforesaid shall continue to be levied at the same rates, on the same items of revenue or tax and appropriated in the same manner as heretofore until such cess is abolished with the sanction of the Government.

Provided further that all collections from the cess so continued in areas under the jurisdiction of Muni-

cipal Councils which are not themselves Local Education Authorities and all balances of previous collections from such cess at the credit of such Municipal Councils when this Regulation comes into force shall be made over to and form part of the Elementary Education Fund of the respective Local Education Authorities for such areas and applied by them for the purposes of this Regulation.

SCHEDULE.

ENACTMENTS REPEALED.

(See Section 49.)

Year	No.	Title or short title	Extent of repeal
1906	VII	The Mysore Municipal Regulation.	Section 28 and clause (xii) of section 59.
1913	V	The Elementary Education Regulation.	The Whole.
1926	III	The Mysore District Boards Regulation.	Section 67.

REGULATION No. XI OF 1930.

(Received the assent of His Highness the Maharaja on the seventh day of April 1930.)

A Regulation to define and limit the powers of the *High Court* of Mysore in punishing Contempts of Courts.

Whereas it is expedient to define and limit the powers exercisable by the *High Court* of Mysore in punishing Contempts of Courts; It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Regulation may be called the Contempt of Courts Regulation, 1930.

(2) It shall extend to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the *Official Gazette* appoint.

Definition of
contempt of
Court.

2. For the purposes of this Regulation a person is said to commit Contempt of Court who, by words either spoken or written or by signs or by visible representation or otherwise, interferes with or obstructs or attempts to interfere with or obstruct the administration of justice in, or brings or attempts to bring into contempt, or lowers or attempts to lower the authority of, the *High Court* or a Court subordinate thereto, in respect of any pending judicial proceedings, civil or criminal.

Explanation.—A judicial proceeding is deemed to be pending even after a decision has been given by a Court, so long as such decision is open to appeal or revision.

Punishment
for Contempt
of Court.

3. Save as otherwise expressly provided by any law for the time being in force, whoever commits Contempt of Court may be punished with simple imprisonment for

For Discussions in the Representative Assembly, see the Proceedings of the Assembly, October, November 1928, Pages 200-208.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 28th November 1929, Part III, Page 205.

For the Report of the Select Committee, see the *Mysore Gazette* of 20th February 1930, Part III, Pages 36-39.

For Debates in the Legislative Council, see the Proceedings of the Council, December 1929, Pages 15-49, 75-86 and 115-121 and March 1930, Pages 507-526.

— The words 'High Court' were substituted for the words 'Chief Court' by Regulation XII of 1930.

a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.

4. (1) The *High Court* may, on or without application, take cognisance of an offence punishable under section 3, when such offence is alleged to have been committed in respect of such Court, or of a Court subordinate thereto.

Power of
High Court
to take
cognizance
of offences
under the
Regulation.

Provided that the *High Court* shall not take cognisance of a contempt alleged to have been committed in respect of a Court subordinate to it where such contempt is an offence punishable under the Indian Penal Code as in force in Mysore.

(2) Save as provided in this section, no Court shall take cognisance of an offence punishable under section 3.

5. (1) The *High Court* may prescribe by rules the procedure to be followed by it in proceedings in respect of an offence under this Regulation.

Powers and
procedure of
High Court.

(2) Rules so prescribed, when approved by the Government and published in the *Official Gazette*, shall have the force of law.

(3) The Provisions of the Code of Criminal Procedure, 1904, so far only as they are not inconsistent with the provisions of this Regulation or the procedure prescribed under sub-section (1), shall apply to such proceedings and the *High Court* shall have in such proceedings all the powers conferred by the Code on that Court in the exercise of its original criminal jurisdiction, which it would exercise if so empowered under section 12 of the *High Court* Regulation, 1884.

* * * The words 'High Court' were substituted for Chief Court by Regulation XII of 1930.

REGULATION No. XII OF 1930.

(Received the assent of H. H. the Maharaja on the nineteenth day of April 1930.)

A Regulation to designate the Chief Court as the High Court of Mysore.

Whereas it is expedient to change the designation of the Chief Court of Mysore as constituted under the Mysore Chief Court Regulation, 1884; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Regulation may be called the Mysore High Court (Designation) Regulation, 1930.
- (2) It shall come into force at once.

Change of designation of Chief Court and Chief Judge.

2. For the words 'Chief Court of Mysore', 'Chief Court' and 'Chief Judge', wherever they occur in an Regulation, Act or other law for the time being in force the words 'High Court of Mysore,' 'High Court' and 'Chief Justice' respectively shall be substituted.

For the Discussions in the Representative Assembly, see the Proceedings of the Assembly (Budget Session) June 1929 : Pages 19-2

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette* of 25th July 1929 Part III Page 162.

For the Debates in the Legislative Council, see the Proceedings of the Council, June 1929, Pages 458-462 December 1929, Pages 6- and March 1930, Pages 544-545.

REGULATION XIII OF 1930.*

*(Received the assent of His Highness the Maharaja
on the 14th day of July 1930.)*

**A Regulation to amend the Mysore Coffee Cess Regulation
XIII of 1925.**

Whereas it is necessary to provide for the continuance of the Mysore Coffee Cess Regulation, 1925, for a further period of ten years and to amend the said Regulation accordingly; It is hereby enacted as follows:—

1. In sub-section (c) of section 1 of the said Regulation, for the words “for a period of five years thereafter” the words “until the fourteenth day of October, one thousand nine hundred and forty” shall be substituted.

* For discussions in the Representative Assembly, see proceedings of the Assembly Birthday Session June 1930, P. 22-26, 75-88.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 29th May 1930, Part III, P. 184.

For debates in the Legislative Council, see proceedings of the Council Budget Session June 1930, P. 72-81.

REGULATION I OF 1931.*

(Received the assent of His Highness the Maharaja on the 5th day of January 1931.)

A Regulation to amend the Mysore Limitation Regulation, 1911.

Whereas it is expedient to further amend the Mysore Limitation Regulation, 1911, it is hereby enacted as follows:—

After section 30 of the Regulation, the following new Section shall be inserted, *viz.*,

“30A. (1) Notwithstanding anything contained in this Regulation, or in the Code of Civil Procedure, 1911, a suit for possession of the immovable property purchased at a sale in execution of a decree by the auction purchaser, who happens also to be the decree-holder, may be instituted within one year from the date of the passing of this Regulation or within 12 years from the date when the sale became absolute, whichever period expires first, and no such suit instituted within the said period of 12 years and pending at the date of the passing of this Regulation, either in a Court of first instance or of appeal, shall be dismissed on the ground that a three years' rule of limitation is applicable.

Provided, however, that where the aforesaid period of twelve years expires on any day between the 6th day of August 1928 and the date of the passing of this Regulation, such a suit, referred to in this sub-section, may be instituted within one year from the date of the passing of this Regulation.

(2) Where the claim of an auction purchaser, who happens also to be the decree-holder, for possession has been dismissed or withdrawn after the 6th day of August 1928 and before the passing of this Regulation, either in

* For Debates in the Legislative Council, see Proceedings of the Council, December 1930, Pages 132 to 147.

a court of first instance or of appeal, on the ground that a three years' rule of limitation applied to such claim, the case may be restored on an application in writing to the court by which the claim was dismissed or in which it was withdrawn, provided the application is made within six months from the date of the passing of this Regulation and on such restoration the provisions of sub-section (1) shall apply.

REGULATION II OF 1931.*

**Regulation further to amend the Mysore Income-tax
Regulation, 1923.**

*(Received the assent of His Highness the Maharaja
on the 23rd day of June 1931.)*

Whereas it is expedient further to amend the Mysore Income-tax Regulation, 1923, for the purposes hereinafter appearing, it is hereby enacted as follows :—

1. (a) This Regulation may be called the Mysore Income-tax (Amendment) Regulation, 1931.

Short Title
and Com-
mencement.

(b) It shall come into force on the 1st day of July 1931.

2. For the figure "1923" occurring in section 3, substitute the figure "1931."

Amendment
of Section 3
of Regulation
V of 1923.

EXPLANATION:—For the purpose of sections 3 and 55, income-tax and super-tax chargeable during the year beginning with the 1st day of July 1930 or any previous year, shall, so far as may be, be leviable at the rates specified in schedules 1 and 2 as in force during those years.

3. For schedules I and II specifying the rates of Income-tax and Super-tax chargeable under Sections 3 and 55 respectively of the Mysore Income-tax Regulation, 1923, the following schedules respectively shall be substituted :—

SCHEDULE I

RATES OF INCOME-TAX.

(Section 3.)

A. In the case of every individual, every Hindu undivided family, every unregistered firm and every other

*For Discussions in the Representative Assembly, see Proceedings of the Assembly, June 1931, Pages 52—68.

For Debates in the Legislative Council, see Proceedings of the Council, June 1931, Pages 862—895.

association of individuals not being a registered firm or a company :—

	Rate.
1. Where the total income is less than Rs. 2,400	Nil
2. Where the total income is Rs. 2,400 or upwards, but less than Rs. 5,000	Three pies in the rupee.
3. Where the total income is Rs. 5,000 or upwards, but less than Rs. 10,000.	Four and half pies in the rupee.
4. Where the total income is Rs. 10,000 or upwards, but less than Rs. 15,000.	Six pies in the rupee.
5. Where the total income is Rs. 15,000 or upwards, but less than Rs. 20,000.	Seven and half pies in the rupee.
6. Where the total income is Rs. 20,000 or upwards, but less than Rs. 30,000.	Nine pies in the rupee.
7. Where the total income is Rs. 30,000 or upwards, but less than Rs. 40,000.	Twelve pies in the rupee.
8. Where the total income is Rs. 40,000 or upwards, but less than Rs. 50,000.	Fifteen pies in the rupee.
9. Where the total income is Rs. 50,000 or upwards.	Eighteen pies in the rupee.

B. In the case of every company and every registered firm, on all incomes not below Rs. 2,400, eighteen pies in the rupee.

SCHEDULE II

RATE OF SUPER-TAX.

(Section 55.)

In respect of the excess over thirty thousand rupees of total income :—

- | | |
|--|------------------------|
| 1. Every company, every unregistered firm, every individual and every other association of individuals not being a registered firm or a company. | One anna in the rupee. |
| 2. Every Hindu undivided family :— | |
| (a) In respect of the first forty-five thousand rupees of the excess. | Nil. |
| (b) In respect of the balance of the excess. | One anna in the rupee. |

REGULATION No. III OF 1931.*

**A Regulation further to amend the Tank Panchayet
Regulation, 1911.**

*(Received the assent of His Highness the Maharaja
on the 30th day of June 1931.)*

Whereas it is expedient further to amend the Tank Panchayet Regulation, 1911, it is hereby enacted as follows:—

1. (1) For section 15 (1) (a), the following words shall be substituted :— Amendment
of Section 15.

“determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.”

(2) In sub-clause (3) of the said section, for the words ‘for irrigation,’ the words ‘for raising wet crops’ shall be substituted.

2. For section 16, the following shall be substituted:— Amendment
of Section 16.

(1) “When the restoration of a minor tank has been sanctioned under Regulation, XV of 1923, a Tank Panchayet or a Village Panchayet empowered under section 23 of the Village Panchayet Regulation, 1926, may undertake the execution of the said restoration under the rules framed by the Government in this behalf.

* For Discussions in the Representative Assembly, see Proceedings of the Assembly, October 1930, Pages 87—92.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette*, dated 20th November 1930, Part IV, Pages 270—271.

For the Report of the Select Committee, see the *Mysore Gazette*, dated 19th March 1931, Part IV, Pages 35—36.

For Debates in the Legislative Council, see Proceedings of the Council, December 1930, Pages 67—80, 103, June 1931, Page 525.

(2) "A Tank Panchayet or a Village Panchayet empowered under section 23 of the Village Panchayet Regulation, 1926, shall be bound to execute the work undertaken by it under sub-section (1) within the time and according to the specifications and constructive details as may be prescribed in this behalf."

Amendment
of section 18.

3. (i) In section 18 (1), the words "constituted under this Regulation or any Village Panchayet empowered under section 23 of the Village Panchayet Regulation, 1926," shall be inserted between the words "Tank Panchayet" and "is not competent," and the words "the Tank Panchayet or withdraw the powers of the Village Panchayet, as the case may be," shall be substituted for the words "the Panchayet" at the end of the sub-section.

(ii) The following shall be substituted for section 18 (2) and (3) :—

(2) "Where a Tank Panchayet is abolished or a Village Panchayet is divested of its powers as aforesaid, the Deputy Commissioner shall take charge of the connected funds, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Tank Panchayet had not been constituted or the Village Panchayet had not been so empowered and may utilise such funds for the purpose referred to in section 10 in the same manner as the Panchayet may have utilised the same.

(3) A Tank Panchayet abolished or a Village Panchayet divested of its powers under sub-section (2) may, after such time as the Government may think fit, be reconstituted or re-empowered as the case may be."

REGULATION No. IV OF 1931.*

**Regulation to amend the Mysore Motor Vehicles
Regulation, 1928.**

*(Received the assent of His Highness the Maharaja
on the 1st day of July 1931.)*

Whereas it is expedient to amend the Mysore Motor Vehicles Regulation, 1928, it is hereby enacted as follows :—

For section 18 of the said Regulation, the following shall be substituted :—

“18. (1) The Government may, in its discretion, after giving the person affected an opportunity of being heard—

(i) cancel or suspend any license granted under this Regulation, and

(ii) declare any person disqualified for obtaining a license under this Regulation either permanently or for such period as it thinks fit.

(2) The prescribed authority may, subject to such conditions and limitations as may be prescribed and after giving the person affected an opportunity of being heard, cancel or suspend any license granted under this Regulation.

(3) Any court by which any person is convicted of an offence against the provisions of this Regulation or any rule made thereunder or of any offence in connection with

* For Discussions in the Representative Assembly, see Proceedings of the Assembly, June 1930, Page 97.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette*, dated 10th July 1930, Part III.

For the Report of the Select Committee, see the *Mysore Gazette*; dated 19th March 1931, Part IV, Pages 34—35.

For Debates in the Legislative Council, see Proceedings of the Council, June 1930, Pages 23—25, December 1930 Pages 12—18, June 1931, Pages 514—517.

the driving of a Motor Vehicle shall, if such person holds a license under the Regulation, cause particulars of the conviction to be endorsed thereon and may, in respect of such person and of his license, if any, exercise the like powers as are conferred by sub-section (1) on the Government ;

Provided that—

(a) the Government or the prescribed authority, as the case may be, may for reasons to be recorded in writing temporarily suspend any license pending the issue of an order under sub-section (1) or sub-section (2) ;

(b) no order under sub-section (2) shall be in force for more than one year; and

(c) no order made by a court under sub-section (3) shall affect any person or license for a period exceeding one year from the date of the conviction.

(4) Any court before which the holder of a license under this Regulation is accused of any offence mentioned in sub-section (3) may suspend such license until the termination of the proceedings before it.

(5) A copy of every order of cancellation, suspension or disqualification made under this section in respect of a license or the holder of a license shall be endorsed on the license, and a copy of every endorsement in accordance with the provisions of this section shall be sent to the authority by which such license has been granted.

(6) Every holder of license shall, when called upon to do so, produce his license before any authority acting under this section.

(7) A person whose license has been cancelled or suspended in accordance with the provisions of this section, shall, during the period for which such order of cancellation has effect, or during the period of suspension, as the case may be, be disqualified for obtaining a license.

(8) No person whose license has been endorsed or who has been disqualified for obtaining a license shall apply for, or obtain a license without giving particulars of such endorsement or disqualification.

REGULATION V OF 1931.*

(Received the assent of His Highness the Maharaja on the 26th day of December 1931.)

A Regulation for the Registration of Medical Practitioners in Mysore.

Whereas it is expedient to provide for the registration of medical practitioners practising the Allopathic system of Medicine, Surgery and Obstetrics in Mysore, it is hereby enacted as follows :—

1. (i) This Regulation may be called the Mysore Medical Registration Regulation of 1931. Short title.
- (ii) It extends to the whole of Mysore. Extent.
2. The provisions of section 4 shall come into force on such date as the Government may notify in this behalf. The rest of this Regulation shall come into force at once. Commencement of the Regulation.
3. In this Regulation, unless there is something repugnant in the subject or context— Definitions.
 - (1) "Council" means the Medical Council established by this Regulation ;
 - (2) "Prescribed" means prescribed by rules or bye-laws made under this Regulation ;
 - (3) "Registered Practitioner" means any person registered under the provisions of this Regulation.

* For Discussions in the Representative Assembly, see Proceedings of the Assembly, October 1930, Pages 95—100.

For the Bill and Statement of Objects and Reasons, see the *Mysore Gazette*, dated 13th November 1930, Part IV, Page 266.

For the Report of the Select Committee, see the *Mysore Gazette* dated 5th March 1931, Part IV.

For Debates in the Legislative Council, see Proceedings of the Council, December 1930, Pages 23—39, June 1931, Pages 518—524.

Privileges of
registered
practitioners.

4. Notwithstanding anything to the contrary in any enactment, rule, bye-law or any other provision of law :—

(1) No certificate required by law to be given by a medical practitioner or officer shall be valid unless signed by a registered practitioner.

(2) Except with the special sanction of the Government, no one other than a registered practitioner shall be competent to hold any appointment as medical officer of health or as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary, lying-in-hospital, or sanatorium where the Allopathic system is practised and which is not supported entirely by voluntary contributions.

Medical
Council.

5. (1) A Medical Council shall be established for Mysore and shall consist of ten members as follows :—

(a) A president nominated by the Government ;

(b) one member elected by the medical faculty of the Mysore University ;

(c) two members elected by the registered practitioners who are graduates in Medicine of the Mysore University or of any of the Universities named in the schedule hereto ;

(d) two members elected by all other registered practitioners ;

(e) four members nominated by the Government.

(2) The Council shall elect in the prescribed manner from among its members a vice-president who shall preside at the meetings of the Council in the absence of the president.

Qualifications
for member-
ship of
Council.

6. No person shall be eligible to be a member of the Council unless he is a registered practitioner.

Tenure of
office of
members.

7. The members of the Council shall hold office for a term of three years and shall be eligible for reappointment.

Members of
the first
Council.

8. Notwithstanding anything contained in sections 5, 6 and 7, the members of the first Council shall be nominated by the Government and shall hold office for a period of one year.

Any vacancy occurring during this period shall be filled by the Government by nomination for the unexpired term of the Council.

9. A member of the Council shall be deemed to have vacated his seat— Cessation of membership.

(1) on sending his resignation in writing to the President or Registrar ;

(2) on his absence, without excuse sufficient in the opinion of the Council, from three consecutive meetings of the Council ;

(3) on his absence out of Mysore for six consecutive months ;

(4) on removal of his name from the register ;

(5) on his being declared an insolvent by any competent court ;

(6) on expiry of the term mentioned in section 7.

10. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 5. Until it is so filled up, the remaining members may act as if no vacancy had occurred. Filling up of vacancies.

11. (1) The Council shall appoint a Registrar who shall act as secretary of the Council and who shall also act as treasurer unless the Council shall appoint another person as treasurer. The appointment of the Registrar shall be subject to the approval of the Government. Registrar and other officers.

(2) The Council may employ such other persons as it may deem necessary for the purposes of this Regulation.

(3) All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

12. It shall be the duty of the Registrar to keep a register of medical practitioners and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act as in force in Mysore and may be proved by a copy published in the *Official Gazette*. Medical register.

13. No business shall be transacted at a meeting of the Council unless at least five members are present. Meetings of Council.

All questions which may come before the Council shall be decided in accordance with the votes of the majority of the members present and voting at the meeting. In

the case of an equality of votes, the member presiding at the meeting shall have a casting vote.

Persons entitled to be registered.

14. Subject to the provisions of section 15, every person who is possessed of any of the qualifications described in the schedule shall be entitled to be registered on furnishing to the Registrar proof of such qualification :

Provided that the Government may, after consulting the Council, permit the registration of any person who shall furnish proof that he is possessed of a medical degree, diploma or certificate of any University, medical college or school approved by the Council, other than those described in the schedule ;

Provided further that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies, in the opinion of the Council, a defect of character or who, after inquiry at which, opportunity has been given to the candidate to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect.

Registration fee.

15. (1) Every person who applies to be registered under this Regulation shall pay a registration fee of fifteen rupees.

(2) Every registered practitioner who applies to the Registrar for registration in respect of any additional qualification obtained subsequent to registration under this Regulation shall pay a fee of five rupees.

Appeal to Council from decision of Registrar.

16. If any person is dissatisfied with any decision of the Registrar refusing to enter the name or any title or qualification of such person in the register of registered practitioners, he may, at any time within three months from the date of such decision, appeal to the Council whose decision shall be final.

Fraudulent entry.

17. (1) The Council may, if it sees fit and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about be cancelled or amended.

Removal from Register.

(2) The Council may, after due enquiry, direct the removal altogether or for a specified period from the register, of the name of any registered practitioner for the same reasons for which registration may be refused by the Council under section 14; and the second proviso thereto shall apply to any inquiry under this section. The Council may also direct that any name so removed shall be restored.

18. (1) An inquiry under section 14 or section 17 may be held by a committee consisting of three members of the Council elected for the purpose by the Council. The Council or the committee, as the case may be, may, at its discretion, hold such inquiry *in camera*. The decision of the committee shall be deemed to be the decision of the Council.

Council may
appoint a
Committee
for inquiries.

(2) For the purpose of any such inquiry or of any appeal under section 16, the Council or any committee thereof elected as aforesaid shall be deemed to be a court within the meaning of the Indian Evidence Act as in force in Mysore.

Committee to
be deemed a
Court.

19. An appeal shall lie to the Government against every decision of the Council under section 14 or section 17. Such appeal shall be preferred within three months from the date of the Council's decision.

Appeal to
Government.

20. No suit or other legal proceeding shall lie in respect of any act done in the exercise of any power conferred by this Regulation on the Government or the Council or the Registrar.

Bar to suits
and other
legal
proceedings.

21. It shall be lawful for the Government by notification in the *Official Gazette* to alter the schedule;

Alteration of
schedule.

Provided that no medical degree, diploma or certificate granted in any country or territory outside Mysore, where the medical degree, diploma or certificate of the Mysore Government or of the Mysore University is not recognised, shall be included in this schedule.

22. The Council shall have power to call on the governing body or authorities of any University, medical college or school, included or desirous of being included in the schedule—

Power of
Council to
call for
information,
etc.

(a) to furnish such reports, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in medicine, surgery and midwifery; and

(b) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the examinations held by such University, college or school.

23. If at any time it shall appear to the Government that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Regulation or has neglected to perform any duty imposed upon it by this Regulation, the Government may notify the particulars of such neglect, excess or abuse to the

Control by the
Government.

Council and if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the Government may think fit.

Penalty on
un-registered
person
representing
that he is
registered,

24. If any person whose name is not entered in the register of registered practitioners falsely pretends that it is so entered, or uses in connection with his name or title any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Magistrate of the First Class, with fine which may extend to three hundred rupees.

Power to
make rules
and bye-laws

25. (1) The Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Regulation.

In particular and without prejudice to the generality of the foregoing provision, the Government may make rules,—

(i) for the election of members to the Council under sections 5 and 6 ;

(ii) for the election of the vice-president of the Council ;

(iii) to regulate the procedure at an inquiry held under section 14 or section 17 ;

(iv) for the institution, hearing and disposal of appeals under section 16 or section 19 ;

(v) for the compilation, revision and publication of the register ;

(vi) for the disposal of fees received under this Regulation.

(2) The Council, may, with the previous sanction of the Government, make bye-laws—

(i) for the convening of meetings of the Council ;

(ii) for the conduct of business at such meetings ;

(iii) for the appointment, control, pay and allowances of the establishment employed under section 11.

THE SCHEDULE.

1. A degree or diploma granted by the University of Mysore declaring a person to be qualified to practise Medicine, Surgery and Midwifery.
2. The degree of Doctor, Bachelor and Licentiate of Medicine and Master, Bachelor and Licentiate of Surgery of the Universities of Madras, Bombay and Calcutta.
3. A diploma or certificate granted by the Government of Madras, Bombay and Bengal to any person trained in a Medical College or School declaring him to be qualified to practise Medicine, Surgery and Midwifery.
4. The Diploma of Fellow and Member and the Licentiate certificate granted by the State Medical Faculty of Bengal and the College of Physicians and Surgeons of Bombay.

REGULATION VI OF 1931.*

*(Received the assent of His Highness the Maharaja
on the 26th day of December 1931.)*

**A Regulation further to amend the Mysore Municipal
Regulation, 1906.**

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906, it is hereby enacted as follows:—

After section 141 of the Regulation, the following new sections shall be inserted:—

Registry of
shops for sale
of European
drugs.

141A. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the Office of the Municipal Council within two months after the commencement of this Regulation or if the shop or place is established after the commencement of this Regulation, then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The Municipal Council, shall, upon payment of such fees as may be prescribed by the Government from time to time, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

*For Discussions in the Representative Assembly, *see* Proceedings of the Assembly, October 1930, Pages 92—95, June 1931, Pages 136—144.

For the Bill and Statement of Objects and Reasons, *see* the *Mysore Gazette*, dated 13th November 1930, Part IV, Page 268.

For the Report of the Select Committee, *see* the *Mysore Gazette*, dated 19th February 1931, Part IV, Pages 5—18.

For Debates in the Legislative Council, *see* Proceedings of the

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with such duties under rules made for that purpose by the Government; and every such person shall be bound to produce his certificate for inspection when required to do so by a Magistrate, a Medical Officer not below the rank of an Assistant Surgeon or the Health Officer of the Municipality.

Certificated
dispensers.

Provided that the provisions of this sub-section shall not come into operation in any Municipality until after the expiration of a period of six months from the publication of a notification by the Government in the *Official Gazette* extending the same to such Municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such pharmacopœia are dispensed upon prescription.

141B. (1) Whoever, within a Municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 141A, shall compound, mix, prepare or sell any drugs, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50 for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform anyone or more of such duties, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees two hundred and shall be further liable at the discretion of such Magistrate to forfeit his license.

Uncertifica
ted person
dispensing
drugs.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 141A, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees ten.

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the *Official Gazette* by the Government.

Addition of a
new section
58 A.

11. After section 58, the following section shall be added:—

“58A. (1) When any matter has been decided by the Revenue Commissioner on appeal under section 15, sub-section (2) of section 38, section 47 or sub-section (4) of section 54, or sub-section (5) of section 61A or on reference under sub-section (3) of section 56, the Government may, for the purpose of satisfying themselves as to the correctness, legality or propriety of his order, call for the connected records and may in doing so direct that, pending the examination of the records, such order be held in abeyance.

(2) On examining the records, the Government may reverse or modify the order of the Revenue Commissioner as they deem fit.

Addition of a
new section
61A.

12. After section 61, the following new section shall be inserted:—

“61A. (1) Every person in possession of moneys, accounts, records or other property appertaining to a Village Panchayet shall, on the requisition in writing of the Deputy Commissioner or any officer deputed by the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman of the Panchayet or other person authorised in the requisition to receive the same.

(2) If any such person shall not discharge the money or deliver up the records or property as directed or fail to assign sufficient cause for non-compliance with the requisition as aforesaid, the Deputy Commissioner of the district may cause him to be apprehended and may issue a warrant in the form of Schedule A authorising his confinement in the Civil Jail till he discharges the moneys or delivers up the accounts, records or other property demanded from him.

Provided that no person shall be detained in confinement by virtue of such warrant for a period longer than one calendar month.

(3) The Deputy Commissioner of the district may also take proceedings to recover any money due by such person in the same manner and subject to the same rules as are laid down in the Mysore Land Revenue Code, 1888, for the recovery of arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Village Panchayet, may

issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1904.

(4) Every person knowing where any moneys, accounts, records or other property appertaining to a Village Panchayet are concealed, shall be bound to give information of the same to the Amildar.

(5) An appeal shall lie to the Revenue Commissioner from the order of the Deputy Commissioner under this section.

SCHEDULE A

Form of warrant to be issued by the Deputy Commissioner under section 61A.

(Seal.)

To

The Officer in charge, the Civil Jail at.....

Whereas A.B. of was on the.... day of.... 193 , ordered by .. to (here enter substance of the demand made) and whereas the said A.B. has neglected to comply with the said order and it has, therefore, been directed under the provisions of sub-section (2) of section 61A of the Regulation, that he be imprisoned in the Civil Jail until he obeys the said order or until he obtains his discharge under the provisions of the proviso to the said sub-section; you are hereby required to receive the said A.B. into the Jail under your charge and to carry the aforesaid order into execution according to law.

Signature.

Dated day of 193 .

REGULATION VIII OF 1931.*

(Received the assent of His Highness the Maharaja on the 30th day of December 1931.)

Regulation to amend the Mysore Land Record of Rights Regulation, 1927.

Whereas it is expedient to amend the Mysore Land Record of Rights Regulation, X of 1927, it is hereby enacted as follows :—

1. In section 5, the words “After the expiry of a period of six months from the date of a notification issued under sub-section (2) of section 1,” shall be substituted for the words “After a notification has issued under sub-section (2) of section 4,” at the beginning of the section.

2. In sub-section (1) of section 7, for the word “Chapter,” the word “Regulation” shall be substituted.

3. In the proviso to sub-section (2) of section 9, for the words “the total amount of the assessment of,” the words “the rate of assessment per acre applicable to” shall be substituted.

4. In section 15—

(a) between the word and figure “section 6” and the word “may,” the following words, namely, “or the division of a survey number into sub-divisions or the assessment of such sub-divisions under sub-sections (1) and (2) of section 9” shall be inserted; and

(b) between the words “may” and “appeal,” the following words, namely, “within a period of one month from the date of communication of the order to the party” shall be inserted.

* For Discussions in the Representative Assembly, *see* Proceedings of the Assembly, June 1930, Pages 88—97.

For the Bill and Statement of Objects and Reasons, *see* the *Mysore Gazette*, dated 17th July 1930, Part IV, Page 188.

For the Report of the Select Committee, *see* the *Mysore Gazette*, dated 9th April 1931, Part IV, Page 42.

For Debates in the Legislative Council, *see* Proceedings of the Council, June 1930, Pages 20—23, December 1930, Pages 4—12. June

* REGULATION No. I OF 1932.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE
MAHARAJA ON THE ELEVENTH DAY OF JULY 1932.)

The Mysore Irrigation Regulation No. I of 1932.

Whereas it is expedient to make adequate provision for the proper regulation and control of the supply of water from irrigation works, for the regulation of customary labour and for certain other matters pertaining to irrigation : It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation, 1932.

Short Title

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof, to any local area or to any irrigation work or class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of irrigation works from the operation of this Regulation, from such date as may be specified therein.

Extent and
commence-
ment

All existing regulations, rules, orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the rules made thereunder in the areas and with respect to the

* Published with Notification No. P. 380 —Legis. 32 31-3, dated 19th July 1932

For discussions in the R. A., see the proceedings of the Assembly October 1929—pp. 321-355.

For debates in the Legislative Council, see proceedings of the Council June 1930.—pp. 25-72, June 32, p. 27-29.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 29th May 1930. Part IV—p. 165-182.

For the report of the Select Committee, see the *Mysore Gazette*, dated 19th November 1931. Part IV—p. 155-161

Addition of a
new section
58 A.

11. After section 58, the following section shall be added :—

“58A. (1) When any matter has been decided by the Revenue Commissioner on appeal under section 15, sub-section (2) of section 38, section 47 or sub-section (4) of section 54, or sub-section (5) of section 61A or on reference under sub-section (3) of section 56, the Government may, for the purpose of satisfying themselves as to the correctness, legality or propriety of his order, call for the connected records and may in doing so direct that, pending the examination of the records, such order be held in abeyance.

(2) On examining the records, the Government may reverse or modify the order of the Revenue Commissioner as they deem fit.

Addition of a
new section
61A.

12. After section 61, the following new section shall be inserted :—

“61A. (1) Every person in possession of moneys, accounts, records or other property appertaining to a Village Panchayet shall, on the requisition in writing of the Deputy Commissioner or any officer deputed by the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman of the Panchayet or other person authorised in the requisition to receive the same.

(2) If any such person shall not discharge the money or deliver up the records or property as directed or fail to assign sufficient cause for non-compliance with the requisition as aforesaid, the Deputy Commissioner of the district may cause him to be apprehended and may issue a warrant in the form of Schedule A authorising his confinement in the Civil Jail till he discharges the moneys or delivers up the accounts, records or other property demanded from him.

Provided that no person shall be detained in confinement by virtue of such warrant for a period longer than one calendar month.

(3) The Deputy Commissioner of the district may also take proceedings to recover any money due by such person in the same manner and subject to the same rules as are laid down in the Mysore Land Revenue Code, 1888, for the recovery of arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Village Panchayet, may

issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1904.

(4) Every person knowing where any moneys, accounts, records or other property appertaining to a Village Panchayet are concealed, shall be bound to give information of the same to the Amildar.

(5) An appeal shall lie to the Revenue Commissioner from the order of the Deputy Commissioner under this section.

SCHEDULE A

Form of warrant to be issued by the Deputy Commissioner under section 61A.

(Seal.)

To

The Officer in charge, the Civil Jail at.....

Whereas A.B. of was on the.... day of.... 193 , ordered by .. to (here enter substance of the demand made) and whereas the said A.B. has neglected to comply with the said order and it has, therefore, been directed under the provisions of sub-section (2) of section 61A of the Regulation, that he be imprisoned in the Civil Jail until he obeys the said order or until he obtains his discharge under the provisions of the proviso to the said sub-section; you are hereby required to receive the said A.B. into the Jail under your charge and to carry the aforesaid order into execution according to law.

Signature.

Dated day of 193 .

REGULATION VIII OF 1931.*

(Received the assent of His Highness the Maharaja on the 30th day of December 1931.)

Regulation to amend the Mysore Land Record of Rights Regulation, 1927.

Whereas it is expedient to amend the Mysore Land Record of Rights Regulation, X of 1927, it is hereby enacted as follows:—

1. In section 5, the words “After the expiry of a period of six months from the date of a notification issued under sub-section (2) of section 1,” shall be substituted for the words “After a notification has issued under sub-section (2) of section 4,” at the beginning of the section.

2. In sub-section (1) of section 7, for the word “Chapter,” the word “Regulation” shall be substituted.

3. In the proviso to sub-section (2) of section 9, for the words “the total amount of the assessment of,” the words “the rate of assessment per acre applicable to” shall be substituted.

4. In section 15—

(a) between the word and figure “section 6” and the word “may,” the following words, namely, “or the division of a survey number into sub-divisions or the assessment of such sub-divisions under sub-sections (1) and (2) of section 9” shall be inserted; and

(b) between the words “may” and “appeal,” the following words, namely, “within a period of one month from the date of communication of the order to the party” shall be inserted.

* For Discussions in the Representative Assembly, *see* Proceedings of the Assembly, June 1930, Pages 88—97.

For the Bill and Statement of Objects and Reasons, *see* the *Mysore Gazette*, dated 17th July 1930, Part IV, Page 188.

For the Report of the Select Committee, *see* the *Mysore Gazette*, dated 9th April 1931, Part IV, Page 42.

For Debates in the Legislative Council, *see* Proceedings of the Council, June 1930, Pages 20—23, December 1930, Pages 4—12, June 1931, Pages 512—514.

* REGULATION No. I OF 1932.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE
MAHARAJA ON THE ELEVENTH DAY OF JULY 1932.)

The Mysore Irrigation Regulation No. I of 1932.

Whereas it is expedient to make adequate provision for the proper regulation and control of the supply of water from irrigation works, for the regulation of customary labour and for certain other matters pertaining to irrigation : It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation, 1932.

Short Title.

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof, to any local area or to any irrigation work or class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of irrigation works from the operation of this Regulation, from such date as may be specified therein.

Extent and commencement

All existing regulations, rules, orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the rules made thereunder in the areas and with respect to the

* Published with Notification No. P. 380—Legis. 32 31-3, dated 19th July 1932

For discussions in the R. A., see the proceedings of the Assembly October 1929—pp. 321-355.

For debates in the Legislative Council, see proceedings of the Council June 1930.—pp. 25-72, June 32, p. 27-29.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 29th May 1930. Part IV—p. 165-182.

For the report of the Select Committee, see the *Mysore Gazette*, dated 19th November 1931, Part IV—p. 155-161.

irrigation works or classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent ;

Provided that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said regulations, rules, orders or usages having the force of law.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context :—

‘Irrigation work.’

(1) “Irrigation Work” includes—

(a) all reservoirs, tanks, anicuts, canals, channels *thalapariges* and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water ;

(b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, anicuts, canals, channels, *thalapariges* or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such reservoirs, tanks, anicuts canals, channels, *thalapariges*, or pipes ;

(c) all water courses and drainage works as hereinafter defined ;

(d) all lands occupied by the Government for the purposes of such reservoirs, tanks, anicuts, canals, channels, *thalapariges*, pipes, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government upon such lands :

‘New Irrigation Work.’

(2) “New Irrigation Work” means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force and includes extensions of irrigation works made after this Regulation comes into force :

‘Water Course.’

(3) “Water Course” (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and includes all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe :

‘Drainage Work.’

(4) “Drainage Work” includes channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work,

dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part :

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation :

'Deputy Commissioner.'

(6) "Irrigation Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation :

'Irrigation Officer.'

(7) "Amildar" includes a Deputy Amildar :

Amildar.

(8) "Owner" includes every person having an interest in the ownership of the thing specified :

'Owner.'

(9) "Occupier" means, in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour and includes a tenant :

Occupier.

(10) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class specially empowered by the Government to try offences under this Regulation.

'Magistrate.'

4. The Government or, subject to such rules as may be made under this Regulation, any officer whom the Government empowers in this behalf, may declare by notification in the *Official Gazette*, the officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed on the Deputy Commissioner and the Irrigation Officer, shall be exercised or performed.

Appointment of officers.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation work.

Power to enter upon land for purposes of inspection, etc.

Powers for repairing or preventing damage to an irrigation work.

6 On any damage happening or being apprehended to any irrigation work or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation work, and may repair any existing work, construct any new work, or take and utilise any material and take any measure or do anything that may, in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow. Such notice shall be in writing except in a case of emergency.

CHAPTER III.

OF WATER COURSES.

Construction, extension, improvement or alteration of a water course on the application of person interested.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, and the said officer may, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or, if the applicant so desires, have it constructed, extended, improved or altered through Government agency on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicant to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

From the order of the Irrigation Officer an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District and from his decision, a second appeal shall lie

within ninety days from the date of the service of such appellate order to the Revenue Commissioner whose decision thereon shall be final.

(2) If it is necessary to acquire any land for the purposes of sub-section (1), the Deputy Commissioner may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation :—Notwithstanding anything contained in the *proviso* to section 6 (1) of the Land Acquisition Regulation, 1894, the acquisition of any land under sub-section (2), shall be deemed to be for a public purpose.

9. No water course constructed, extended, improved, or altered under the provisions of section 8 shall be altered without the consent of the Irrigation Officer.

No alteration of water course except with consent of Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound --

Obligations of owners of land receiving supply from water course.

(a) to maintain such water course in a fit state of repair; and

(b) to allow the use of it to any person entitled to the same by reason of an order passed under section 8 or otherwise.

11. (1) If any owner or occupier of land which receives a supply of water from a water course fails to fulfil any obligation imposed on him by sub-clause (a) of section 10, the Irrigation Officer may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

Enforcement of said obligations.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) shall be recoverable from the defaulter as an arrear of land revenue.

12. Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water course or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share, any person interested in the matter of such dispute may apply in writing to the Irrigation Officer stating the matter in dispute.

Settlement of disputes concerning water-courses.

Such officer shall thereupon proceed to make a summary enquiry into the matter in the manner prescribed in the Mysore Land Revenue Code, 1888, and pass his decision thereon.

From the decision of the Irrigation Officer, an appeal shall lie within thirty days from the date of the service of the said decision to the Deputy Commissioner of the District whose order thereon shall remain in force, until set aside by a decree of a Civil Court.

CHAPTER IV.

REGULATION OF IRRIGATION.

Regulation
of water-
supply from
irrigation
works.

13. (1) The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

- (i) the time for letting out water for irrigation,
- (ii) the period of the supply, and
- (iii) the quantity of the supply,

after holding such enquiry as may be provided for by rules framed by the Government.

(2) From the order of an officer other than the Deputy Commissioner under sub-section (1), an appeal shall lie to the Deputy Commissioner of the District within thirty days from the date of such order and from the original or appellate order of the Deputy Commissioner, an appeal shall lie to the Revenue Commissioner, within ninety days of such order.

Supply of
water from a
new irriga-
tion work.

14. (1) Every person desiring the supply of water from a new irrigation work shall submit a written application to that effect to the Irrigation Officer in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

(2) Notwithstanding anything contained in sub-section (1), the rates leviable for the supply of water for irrigation from a new irrigation work constructed at an outlay of less than one lakh of rupees and not falling under Chapter VI of this Regulation shall be fixed in

conformity with the provisions of the Mysore Land Revenue Code, 1888, and the rules thereunder,

provided that, when such work is itself an extension of a new irrigation work constructed at a cost of not less than one lakh of rupees, the provisions of sub-section (1) shall apply irrespective of the cost of the work.

(3) If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

15. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

Supply of water not to be stopped except under certain circumstances.

(a) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority ; or

(ii) in order to supply in rotation the legitimate demand of other persons entitled to water ;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ;

(c) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water ;

(d) within the periods fixed from time to time by an Irrigation Officer acting under section 16, of which reasonable notice shall be given.

16. (1) An Irrigation Officer specially empowered by the Government, in this behalf, may, in any year, having regard to the quantity of water available in any irrigation work under his control determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.

Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.

(2) If, in accordance with a decision of the Irrigation Officer under sub-section (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of one-half of the assessment of such land.

From the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the

date of the service of the said order, to the Deputy Commissioner of the District, and from his decision, a second appeal shall lie within ninety days from the date of the service of such appellate order, to the Revenue Commissioner whose decision shall be final.

Right to the supply of water passes with the property entitled to the supply.

17. (1) All rights to the supply of water from an irrigation work to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property whenever such a transfer has been effected.

(2) No person entitled to the use of any irrigation work or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission except when such right is transferred with the land, building or other immovable property having such right.

CHAPTER V.

OF THE AWARD OF COMPENSATION.

Compensation awardable for damage.

18. Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Regulation, which is capable of being ascertained at the time of awarding such compensation.

Provided that no compensation shall be so awarded in respect of any damage arising from—

(a) deterioration of climate or soil ;
(b) stoppage of navigation or of the means of floating timber or of watering cattle ; or

(c) stoppage or diminution of the supply of water of any river or stream flowing in a natural channel or of any lake or natural collection of still water by the application of such supply for the purposes of a new irrigation work or otherwise, except in so far as a right to the use of such supply may be established ; or

(d) failure or stoppage of the water in a channel when such failure or stoppage is due to,

- (1) any cause beyond the control of Government,
- (2) the execution of any repairs, alterations or additions to the channel, or

- (3) any measures considered necessary by any Irrigation Officer duly empowered in this behalf for regulating the proper flow of water in the channel, or for maintaining the established course of irrigation, or under section 15 ;

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (d) of the proviso, this section shall be entitled to such remission of the water-rate payable by him as may be authorised by the Government.

Remission of water-rates when allowable.

19. No claim for compensation under this Regulation for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

Limitation of claims.

20. In every case of entry upon any land or building or the utilisation of materials under sections 5 and 6, the Irrigation Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree, building or other property, and the value of the materials taken or utilised,

Compensation for damage caused by entry on land, etc.

and within one month from the date of such entry, compensation shall be tendered by the Irrigation Officer to the landholder or owner of the property.

21. If such tender is not accepted, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of making enquiry as to the amount of compensation and deciding the same.

Enquiry as to compensation.

22. All claims for compensation under this Regulation other than claims of the nature provided for in section 20, shall be made to the Deputy Commissioner having jurisdiction over the local area wherein the land or part thereof in respect of which damage is alleged to have been caused is situate.

Claims to be preferred to the Deputy Commissioner.

The Deputy Commissioner shall enquire into all such claims and determine the amount of compensation, if any, which should be awarded.

Deputy Commissioner to determine the amount of compensation.

23. An appeal shall lie to the Revenue Commissioner from the decision of the Deputy Commissioner under

Appeal.

either of the two preceding sections as to the amount of compensation to be awarded within ninety days from the date of such decision and the decision of the Revenue Commissioner thereon shall be final.

Compensation
when due.

24. All sums of money payable for compensation awarded under this chapter shall become due three months after the final award has been made ;

and, simple interest at the rate of six per cent per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

CHAPTER VI.

OF THE CONSTRUCTION AND IMPROVEMENT OF IRRIGATION WORKS ON SPECIAL TERMS.

Preliminary
enquiry to be
held when
the levy of
acreage con-
tribution or
water-rate or
both is neces-
sary for
undertaking
construction
or improve-
ment of an
Irrigation
work.

25. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area cannot be undertaken unless, on the lands irrigable by such work, payment of a specified acreage contribution or water-rate or both, is guaranteed, the Government shall direct the Deputy Commissioner or any other officer appointed by it in this behalf to hold an enquiry in the manner hereinafter provided.

The Government may, by notification in the *Official Gazette*, declare that the provisions of this section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.

Explanation.—Improvement in this chapter means only such improvement of an irrigation work as will materially enhance the supply of water available therein for irrigation.

Procedure in
holding the
enquiry.

26. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme

(hereinafter called the benefited area) and the rates at which it is proposed to levy contribution or water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

27. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Report of the
enquiring
officer.

28. Upon receipt of the report submitted under section 27, the Government may, after such further enquiry, if any, as it may make, either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 26 and 27 shall apply to the altered scheme.

Government
may abandon
or proceed
with the
scheme.

29. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—

Publication
of the scheme
as finally
approved by
the Govern-
ment.

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(b) the estimated time required for the completion of the work;

(c) a description of the benefited area;

(d) the rates at which contribution will be recovered in respect of the lands in the benefited area and the terms of such recovery;

(e) the rates at which water-rate will be imposed on the lands in the benefited area, and

(*f*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The contribution referred to in clause (*d*) of sub-section (1) shall in no case exceed one-third of the difference between the value of the wet and dry lands in the locality.

(3) The water-rate referred to in clause (*e*) of sub-section (1) shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

Levy of contribution and water-rate on lands within the benefited area.

30. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, contribution or water-rate or both at the rates referred to in section 29. Such contribution or water-rate shall be recoverable as a revenue demand.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VII.

OF OBTAINING LABOUR IN EMERGENCIES.

Impressment of labour for urgent works of repair, etc.

31. (1) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the taluk that unless some work or repair is immediately executed, an irrigation work would sustain such serious damage as to cause sudden and extensive public injury,

or that unless some clearance, of an irrigation work which is necessary in order to maintain the established

course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the able-bodied male persons who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(2) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

An order made under the section shall be immediately reported to the Deputy Commissioner.

Report to be made by Irrigation Officer.

32. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 31 shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar, as the case may be, for their labour and detention at twenty-five per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

Payment for labour impressed.

33. Any person who does not accept the amount tendered in payment under section 32, may appeal within thirty days from the date of such tender, to the Deputy Commissioner, whose decision shall be final.

Appeals against orders under section 32.

CHAPTER VIII.

OF CUSTOMARY LABOUR.

34. The provisions of this chapter shall apply to tanks, river and spring channels, feeder channels connected with tanks, and other irrigation works which have been brought up to standard and handed over to the raiyats for up-keep.

Works for which customary labour is enforceable.

Nature of,
and persons
liable to,
perform
customary
labour and
the levy of
cash contri-
bution in
lieu of
labour.

35. (1) Every occupier of land, irrigated or served by any irrigation work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work, shall perform, in respect of such work, without payment, the following customary labour :—

(a) filling up gullies, cracks, ruts and holes in the earth work ;

(b) removing any rank, growth or pernicious weed ;

(c) clearing such underwood as may be considered by the Irrigation Officer to be injurious ;

(d) clearing sand or silt from sluices and branch channels and repairing the earthwork of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields ;

(e) maintaining the bund to the standard level and with the slopes specified ;

(f) keeping in order the feeder channels of tanks ;

(g) watching the bunds during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by this work, within the meaning of this section.

(2) The Government may, by an order, direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour, a contribution in cash at such rates as may be fixed under rules made in this behalf be levied from the persons bound to perform the same ; provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour. Such order may, at any time, be cancelled or modified by the Government.

36. It shall be the duty of the patel of every village to see that in respect of any irrigation work situated in the village or villages in his charge, the customary labour specified in section 35 is duly performed and the work maintained in an efficient condition.

Village patel
responsible
for due per-
formance of
customary
labour.

37. If any person who under this chapter is bound to contribute labour towards any irrigation work, neglects or refuses to do so, the patel, or other officer empowered by Government in this behalf, may get the work performed by hired labour, after giving notice by beat of drum in the villages in which the persons bound to do the work ordinarily reside or the land served by such irrigation work is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Execution of work with hired labour on failure of customary labour.

38. The quantum of labour which each person liable under section 35 is bound to contribute, and the proportionate share of labour for each village where an irrigation work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Determination of quantum of labour to be contributed.

39. Whenever any person who is bound to contribute labour under section 35, neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum equivalent to the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Penalty for failure to perform customary labour.

From the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of service of the order to the Deputy Commissioner, whose decision shall be final.

CHAPTER IX.

OF IRRIGATION PANCHAYETS AND BOARDS.

40. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a demand exists, constitute an Irrigation Panchayet for a village.

Constitution of an Irrigation Panchayet.

Such Panchayet shall consist of the patel and the shanbhog of the village who shall be *ex-officio* members and of not less than five and not more than seven other members who shall be elected in accordance with rules made under this Regulation, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office if he ceases to possess the aforesaid qualification, or if he absents himself without reasonable or sufficient cause from three consecutive meetings.

Constitution
of an Irriga-
tion Board.

41. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may constitute an Irrigation Board consisting of two or more Panchayets or delegates therefrom in respect of an irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

42. The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

43. The Government may, by rules to be framed in this behalf—

(a) prescribe the functions of an Irrigation Panchayet;

(b) prescribe the procedure to be adopted by an Irrigation Panchayet; and

(c) delegate to any Irrigation Panchayet any of the powers vested in the Government or in a Deputy Commissioner or in an Irrigation Officer under this Regulation.

Dissolution
of Panchayet.

44. If in the opinion of the Deputy Commissioner, any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

45. An appeal shall lie to the Revenue Commissioner against the order of the Deputy Commissioner under section 44 and the order on such appeal shall be final.

CHAPTER X.

PENALTIES AND PROCEDURE.

46. Whoever voluntarily and without proper authority—

Offences
under the
Regulation.

(i) damages, alters, enlarges or obstructs any irrigation work ;

(ii) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over, or under any irrigation work or does any act which renders such irrigation work less useful than is intended for the purpose for which it was constructed ;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work ;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used ;

(v) destroys, defaces or moves any land or level-mark or water-gauge fixed by the authority of a public servant ;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work ;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 56 after he has been required to desist therefrom ;

(viii) causes or permits any animal to graze or be-tethered upon the bank or border of any irrigation work ;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation work ;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government ;

(xi) violates any rule made under section 56, the breach whereof is declared to be an offence punishable under this section ; and whoever

(xii) being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes

or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8 ;

shall be deemed to commit an offence under this Regulation and shall, on conviction before a magistrate, be punished for each such offence as is mentioned in sub-sections (i) to (vi) (x) and (xii) of this section with fine which may extend to one hundred rupees and for each such offence as is mentioned in sub-sections (vii), (viii), (ix) and (xi) with fine which may extend to fifty rupees.

Penalty.

47. Any person who, being duly called upon by the patel of his village to assist by his labour in the execution of any work under section 31, refuses or neglects to comply with such call without sufficient and reasonable cause shall, on conviction before a magistrate, be punished with fine which may extend to fifty rupees.

Persons convicted under section 46 liable to repair the damage, etc.

48. When any person is convicted of an offence under section 46, the convicting magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land-mark, level-mark, water-gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

49. When the person causing any damage, alteration, enlargement or obstruction to any irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

50. Nothing herein contained shall prevent any person from being prosecuted under any other law for the time being in force for any act or omission made punishable by this Regulation :

Provided that no person shall be punished twice for the same act or omission.

51. Any person in charge of or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest police station to be dealt with according to law, any person who within his view —

Power to remove obstruction or damage to works.

(1) wilfully damages, obstructs or fouls any irrigation work, or

(2) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage, or render less useful any irrigation work.

CHAPTER XI.

MISCELLANEOUS.

52. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner or any Irrigation Officer subordinate to it or him for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any decision or order passed and the regularity of the proceedings of such officer.

Power of revision.

When on examining the records of any case, the Government or the Revenue Commissioner considers that the order or decision of such officer should be revised, it or he may reverse or alter such order or decision or pass such other order as it or he may think fit. The Government alone shall be competent to revise under this section any decision or order which is declared by this Regulation to be final.

53. Any officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining the witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, 1911, and every such enquiry shall be deemed a judicial proceeding.

Power to summon and examine witnesses.

54. Service of any notice under this Regulation shall be made in accordance with the provisions of the Code of Civil Procedure, 1911.

Manner of serving notices.

Jurisdiction
of Civil
Courts
barred.

55. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter V, Chapter VI Chapter VII or Chapter VIII.

Power to
make rules.

56. (1) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of this Regulation.

(2) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted under this Regulation.

* REGULATION No. II OF 1932.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE FIFTEENTH DAY OF JULY 1932.)

**A Regulation further to amend the Mysore District Boards
Regulation, 1926.**

Whereas it is expedient further to amend the Mysore District Boards Regulation, 1926; It is hereby enacted as follows :—

For section 68 of the said Regulation, the following shall be substituted :—

68 (1) The District Board may levy with the previous sanction of the Government and subject to such rules or orders as may be framed by the Government in this behalf a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied.

Power of
District Board
to levy
Railway Cess.

(2) The cess levied under sub-section (1) shall, unless it is required for immediate use, be deposited in the Mysore Government Savings Bank or in any other Bank approved by the Government or invested in securities approved by the Government.

(3) The cess and the interest or other income derived from its investment in a Bank or in securities or on construction of a railway or tramway shall, except as provided in sub-section (4), be utilised subject to such rules or orders that may be framed by the Government, for all or any of the purposes specified below :—

(a) for the construction, maintenance and management of tramways and railways and other charges incidental thereto,

* Published with notification No. P. 534—Legis. 45-31, dated 22nd—26th July 1932.

For discussions in the R. A., see proceedings of the Assembly, October 1931, p. 110-118, 127-135.

For debates in the L. C., see proceedings of the Council, June 1932, p. 32-33.

For the bill and statements of Objects and Reasons, see the *Mysore Gazette*, dated 19th November 1931, Part IV, p. 208-209.

For the report of the Select Committee, see the *Mysore Gazette*

(b) for discharging the loan or loans raised by the Board, for the construction of tramways and railways and for payment of interest thereon and other expenditure, incidental thereto, and

(c) for guaranteeing the payment of interest on capital expended on any railway, tramway or other works which may directly improve the means of communications within the District or between the District and other Districts.

(4) The whole or any portion of the interest or other income derived from investment of the railway cess in a Bank or in securities or on construction of a railway or tramway may, with the previous approval of the Government and subject to such orders as may be made by it, be utilized for works which may improve the means of communications in the District, provided it is not immediately required for expenditure on or it is in excess of the amount required for, the purposes specified in clauses (b) and (c) of sub-section (3).

*REGULATION No. III OF 1932.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE FIFTEENTH DAY OF JULY 1932.)

**A Regulation further to amend the Mysore Motor
Vehicles Regulation, 1928.**

Whereas it is expedient to further amend the Mysore Motor Vehicles Regulation, 1928; It is hereby enacted as follows:—

Preamble.

The following shall be added as section 18A after section 18 of the said Regulation:—

Addition of a new section 18A to the Regulation.

All moneys, cesses, fees, penalties, fines and costs payable or leviable under this Regulation or the rules issued thereunder, may also be recovered in the same manner as arrears of land revenue.

Recovery of moneys, cess, fee, etc., as an arrear of land revenue.

*Published with Notn. No. P. 533, dated 22nd—26th July 1932.

For discussions in the R. A., see proceedings of the Assembly, October 1931, p. 160-165.

For debates in the Legislative Council, see proceedings of the Council, June 1932, p. 26-27.

For the bill and statement of Objects and Reasons, see the *Mysore Gazette*, dated 19th November 1931, Part IV, p. 206-207.

* REGULATION No. IV OF 1932.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE TWENTY-SECOND DAY OF DECEMBER 1932.)

**A Regulation further to amend the Mysore Forest
Regulation No. XI of 1900.**

Whereas it is expedient to amend the Mysore Forest Regulation, 1900; It is hereby enacted as follows:—

Addition of a
proviso to
section 73 (2)

The following shall be added as a proviso to section 73 (2) of the said Regulation:—

“ Provided that the Revenue Officer aforesaid, may, in cases in which he is satisfied that the person responsible for the act, neglect, default, instigation or connivance resulting in the injury was any tenant of the occupant or holder, or any other person holding under or through an occupant or holder, direct that such tenant or other person shall primarily be liable for the compensation and be proceeded against in the first instance for recovery thereof.

Explanation.—The word ‘injury’ used in this section includes the lopping of branches of trees resulting in material injury to them.”

* Published with Notn. No. P. 3652—Legis. 44-31-6, dated 3rd—4th January 1933.

For discussions in the R. A., see proceedings of the Assembly, October 31, p. 77-80, 160.

For debates in the L. C., see proceedings of the Council, December 31, p. 134-35, and

For the bill and statement of Objects and Reasons, see the *Mysore Gazette*, dated 19th November 1931, Part IV, p. 207-208.

For the report of the Select Committee, see the *Mysore Gazette*, dated 18th February 1932, Part IV, p. 38.

* REGULATION No. V OF 1932.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE THIRTY-FIRST DAY OF DECEMBER 1932.)

**A Regulation to define and amend the law
relating to the Sale of Goods.**

Whereas it is expedient to define and amend the law relating to the sale of goods; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Sale of Goods Regulation, 1932. Short title,
extent and
commence-
ment.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of March 1933.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(1) “buyer” means a person who buys or agrees to buy goods;

(2) “delivery” means voluntary transfer of possession from one person to another;

(3) goods are said to be in a “deliverable state” when they are in such state that the buyer would, under the contract, be bound to take delivery of them;

* Published with Notn. No. P. 3833—Legis. 12-31-11, dated 9th—10th January 1933.

For discussions in the R. A., see proceedings of the Assembly, October 1931, p. 120-124.

For debates in the L. C., see proceedings of the Council, December 1931, p-53-57, June 1932, p. 30-31, December 1932, p-28-29.

For the bill and statement of Objects and Reasons, see the *Mysore Gazette*, dated 19th November 1931, Part IV, p. 185.

For the report of the Select Committee, see the *Mysore Gazette*

(4) "document of title to goods" includes a bill of lading, dock-warrant, warehouse keeper's certificate, wharfinger's certificate, railway receipt, warrant or order for the delivery of goods and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented;

(5) "fault" means wrongful act or default;

(6) "future goods" means goods to be manufactured or produced or acquired by the seller after the making of the contract of sale;

(7) "goods" means every kind of movable property other than actionable claims and money; and includes stock and shares, growing crops, grass and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale;

(8) a person is said to be "insolvent" who has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due, whether he has committed an act of insolvency or not;

(9) "mercantile agent" means a mercantile agent having in the customary course of business as such agent authority either to sell goods, or to consign goods for the purposes of sale, or to buy goods, or to raise money on the security of goods;

(10) "price" means the money consideration for a sale of goods;

(11) "property" means the general property in goods, and not merely a special property;

(12) "quality of goods" includes their state or condition;

(13) "seller" means a person who sells or agrees to sell goods;

(14) "specific goods" means goods identified and agreed upon at the time a contract of sale is made; and

(15) expressions used but not defined in this Regulation and defined in the Indian Contract Act, 1872, as in force in Mysore, have the meanings assigned to them in that Act.

3. The unrepealed provisions of the Indian Contract Act, 1872, as in force in Mysore, save in so far as they are inconsistent with the express provisions of this Regulation, shall continue to apply to contracts for the sale of goods.

CHAPTER II.

FORMATION OF THE CONTRACT.

Contract of Sale.

4. (1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a price. There may be a contract of sale between one part-owner and another. Sale and agreement to sell.

(2) A contract of sale may be absolute or conditional.

(3) Where under a contract of sale the property in the goods is transferred from the seller to the buyer, the contract is called a sale, but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled, the contract is called an agreement to sell.

(4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

Formalities of the Contract.

5. (1) A contract of sale is made by an offer to buy or sell goods for a price and the acceptance of such offer. The contract may provide for the immediate delivery of the goods or immediate payment of the price or both, or for the delivery or payment by instalments, or that the delivery or payment or both shall be postponed. Contract of sale how made.

(2) Subject to the provisions of any law for the time being in force, a contract of sale may be made in writing or by word of mouth, or partly in writing and partly by word of mouth or may be implied from the conduct of the parties.

Subject-matter of Contract.

6. (1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or future goods. Existing or future goods.

(2) There may be a contract for the sale of goods, the acquisition of which by the seller depends upon a

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

Goods perishing before making of contract.

7. Where there is a contract for the sale of specific goods, the contract is void if the goods without the knowledge of the seller have, at the time when the contract was made, perished or become so damaged as no longer to answer to their description in the contract.

Goods perishing before sale but after agreement to sell.

8. Where there is an agreement to sell specific goods, and subsequently the goods without any fault on the part of the seller or buyer perish or become so damaged as no longer to answer to their description in the agreement before the risk passes to the buyer, the agreement is thereby avoided.

The Price.

Ascertainment of price.

9. (1) The price in a contract of sale may be fixed by the contract or may be left to be fixed in manner thereby agreed or may be determined by the course of dealing between the parties.

(2) Where the price is not determined in accordance with the foregoing provisions, the buyer shall pay the seller a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Agreement to sell at valuation.

10. (1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation, the agreement is thereby avoided.

Provided that, if the goods or any part thereof have been delivered to, and appropriated by, the buyer, he shall pay a reasonable price therefor.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain a suit for damages against the party in fault.

Conditions and Warranties.

Stipulations as to time.

11. Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the facts.

12. (1) A stipulation in a contract of sale with reference to goods which are the subject thereof may be a condition or a warranty. Condition and warranty.

(2) A condition is a stipulation essential to the main purpose of the contract, the breach of which gives rise to a right to treat the contract as repudiated.

(3) A warranty is a stipulation collateral to the main purpose of the contract, the breach of which gives rise to a claim for damages but not a right to reject the goods and treat the contract as repudiated.

(4) Whether a stipulation in a contract of sale is a condition of a warranty depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract.

13. (1) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition or elect to treat the breach of the condition as a breach of warranty and not as a ground for treating the contract as repudiated. When condition to be treated as warranty.

(2) Where a contract of sale is not severable and the buyer has accepted the goods or part thereof, or where the contract is for specific goods, the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty and not as a ground for rejecting the goods and treating the contract as repudiated, unless there is a term of the contract, express or implied, to that effect.

(3) Nothing in this section shall affect the case of any condition or warranty fulfilment of which is excused by law by reason of impossibility or otherwise.

14. In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is— Implied undertaking as to title, etc.

(a) an implied condition on the part of the seller that, in the case of a sale, he has a right to sell the goods and that, in the case of an agreement to sell, he will have a right to sell the goods at the time when the property is to pass;

(b) an implied warranty that the buyer shall have and enjoy quiet possession of the goods;

(c) an implied warranty that the goods shall be free from any charge of encumbrance in favour of any third party not declared or known to the buyer before or at the time when the contract is made.

sale by
description.

15. Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description; and if the sale is by sample as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

Implied
conditions as
to quality or
fitness.

16. Subject to the provisions of this Regulation and of any other law for the time being in force, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:—

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he is the manufacturer or producer or not), there is an implied condition that the goods shall be reasonably fit for such purpose:

Provided that, in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose.

(2) Where goods are bought by description from a seller who deals in goods of that description (whether he is the manufacturer or producer or not), there is an implied condition that the goods shall be of merchantable quality:

Provided that, if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed.

(3) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(4) An express warranty or condition does not negative a warranty or condition implied by this Regulation unless inconsistent therewith.

Sale by
sample.

17. (1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.

(2) In the case of a contract for sale by sample, there is an implied condition—

(a) that the bulk shall correspond with the sample in quality—

(b) that the buyer shall have a reasonable opportunity of comparing the bulk with the sample ;

(c) that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

CHAPTER III.

EFFECTS OF THE CONTRACT.

Transfer of property as between seller and buyer.

18. Where there is a contract for the sale of unascertained goods, no property in the goods is transferred to the buyer unless and until the goods are ascertained.

Goods must be ascertained.

19. (1) Where there is a contract for the sale of specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

Property passes when intended to pass.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties and the circumstances of the case.

(3) Unless a different intention appears, the rules contained in sections 20 to 24 are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

20. Where there is an unconditional contract for the sale of specific goods in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment of the price or the time of delivery of the goods, or both, is postponed.

Specific goods in a deliverable state.

21. Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing is done and the buyer has notice thereof.

Specific goods to be put into a deliverable state.

22. Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh, measure, test or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing is

Specific goods in a deliverable state, when the seller has to do anything thereto in order to

Sale of un-
ascertained
goods and
appropriation.

23. (1) Where there is a contract for the sale of unascertained or future goods by description and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made.

Delivery to
carrier.

(2) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

Goods sent on
approval or
"on sale or
return."

24. When goods are delivered to the buyer on approval or "on sale or return" or other similar terms, the property therein passes to the buyer—

(a) when he signifies his approval or acceptance to the seller or does any other act adopting the transaction ;

(b) if he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time.

Reservation
of right of
disposal.

25. (1) Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to a buyer, or to a carrier or other bailee for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

(2) Where goods are shipped and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.

(3) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading to the buyer together, to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange and if he wrongfully retains the bill of lading the property in the goods does not pass to him.

26. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not :

Risk prima facie passes with property.

Provided that, where delivery has been delayed through the fault of either buyer or seller, the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault :

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.

Transfer of Title.

27. Subject to the provisions of this Regulation and of any other law for the time being in force, where goods are sold by a person who is not the owner thereof and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell :

Sale by person not the owner.

Provided that, where a mercantile agent is, with the consent of the owner, in possession of the goods or of a document of title to the goods, any sale made by him, when acting in the ordinary course of business of mercantile agent, shall be as valid as if he were expressly authorised by the owner of the goods to make the same, provided that the buyer acts in good faith and has not, at the time of the contract of sale, notice that the seller has not authority to sell.

28. If one of several joint owners of goods has the sole possession of them by permission of the co-owners, the property in the goods is transferred to any person who buys them of such joint owner in good faith and has not, at the time of the contract of sale, notice that the seller has not authority to sell.

Sale by one of joint owners.

29. When the seller of goods has obtained possession thereof under a contract voidable under section 19 or section 19A of the Indian Contract Act, 1872, as in force in Mysore, but the contract has not been rescinded at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

Sale by person in possession under voidable contract.

Seller or
buyer in
possession
after sale.

30. (1) Where a person, having sold goods, continues or is in possession of the goods or of the documents of title to the goods, the delivery or transfer by that person or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of the previous sale shall have the same effect as if the person making the delivery or transfer were expressly authorised by the owner of the goods to make the same.

(2) Where a person, having bought or agreed to buy goods, obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods shall have effect as if such lien or right did not exist.

CHAPTER IV.

PERFORMANCE OF THE CONTRACT.

Duties of
seller and
buyer.

31. It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

Payment and
delivery are
concurrent
conditions.

32. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller shall be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer shall be ready and willing to pay the price in exchange for possession of the goods.

Delivery.

33. Delivery of goods sold may be made by doing anything which the parties agree shall be treated as delivery or which has the effect of putting the goods in the possession of the buyer or of any person authorised to hold them on his behalf.

Effect of part
delivery.

34. A delivery of part of goods, in progress of the delivery of the whole, has the same effect, for the purpose of passing the property in such goods, as a delivery of the whole; but a delivery of part of the goods, with an intention of severing it from the whole, does not operate as a delivery of the remainder.

35. Apart from any express contract, the seller of goods is not bound to deliver them until the buyer applies for delivery.

Buyer to
apply for
delivery.

36. (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, goods sold are to be delivered at the place at which they are at the time of the sale, and goods agreed to be sold are to be delivered at the place at which they are at the time of the agreement to sell, or, if not then in existence, at the place at which they are manufactured or produced.

Rules as to
delivery.

(2) Where under the contract of sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf:

Provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state shall be borne by the seller.

37. (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered, he shall pay for them at the contract rate.

Delivery of
wrong
quantity.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered, he shall pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties.

Instalment
deliveries.

38. (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments which are to be separately paid for, and the seller makes no delivery or defective delivery in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case, whether the breach of contract is a repudiation of the whole contract, or whether it is a severable breach giving rise to a claim for compensation, but not to a right to treat the whole contract as repudiated.

Delivery to
carrier or
wharfinger.

39. (1) Where, in pursuance of a contract of sale, the seller is authorised or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer, or delivery of the goods to a wharfinger for safe custody, is *prima facie* deemed to be a delivery of the goods to the buyer.

(2) Unless otherwise authorised by the buyer, the seller shall make such contract with the carrier or wharfinger on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case. If the seller omits to do so, and the goods are lost or damaged in course of transit or whilst in the custody of the wharfinger, the buyer may decline to treat the delivery to the carrier or wharfinger as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea transit, in circumstances in which it is usual to insure, the seller shall give such notice to the buyer as may enable him to insure them during their sea transit, and if the seller fails so to do, the goods shall be deemed to be at his risk during such sea transit.

Risk where
goods are
delivered at
distant place.

40. Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer shall, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

41. (1) Where goods are delivered to the buyer which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

Buyer's right of examining the goods.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

42. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Acceptance.

43. Unless otherwise agreed, where goods are delivered to the buyer and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

Buyer not bound to return rejected goods.

44. When the seller is ready and willing to deliver the goods and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods:

Liability of buyer for neglecting or refusing delivery of goods

Provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

CHAPTER V.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

45. (1) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Regulation—

"Unpaid seller" defined.

(a) when the whole of the price has not been paid or tendered;

(b) when a bill of exchange or other negotiable instrument has been received as conditional payment, and

the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

(2) In this Chapter, the term "seller" includes any person who is in the position of a seller, as, for instance, an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for the price.

Unpaid
seller's
rights

46. (1) Subject to the provisions of this Regulation and of any law for the time being in force, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law—

(a) a lien on the goods for the price while he is in possession of them ;

(b) in case of the insolvency of the buyer a right of stopping the goods in transit after he has parted with the possession of them ;

(c) a right of re-sale as limited by this Regulation.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage in transit where the property has passed to the buyer.

Unpaid seller's lien.

Seller's lien.

47. (1) Subject to the provisions of this Regulation, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:—

(a) where the goods have been sold without any stipulation as to credit ;

(b) where the goods have been sold on credit, but the term of credit has expired ;

(c) where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Part delivery.

48. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an agreement to waive the lien.

49. (1) The unpaid seller of goods loses his lien thereon— Termination of lien.

(a) when he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods ;

(b) when the buyer or his agent lawfully obtains possession of the goods ;

(c) by waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained a decree for the price of the goods.

Stoppage in transit.

50. Subject to the provisions of this Regulation, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transit, that is to say, he may resume possession of the goods as long as they are in the course of transit, and may retain them until payment or tender of the price. Right of stoppage in transit.

51. (1) Goods are deemed to be in course of transit from the time when they are delivered to a carrier or other bailee for the purpose of transmission to the buyer, until the buyer or his agent in that behalf takes delivery of them from such carrier or other bailee. Duration of transit.

(2) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

(3) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent, the transit is at an end and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4) If the goods are rejected by the buyer and the carrier or other bailee continues in possession of them, the transit is not deemed to be at an end, even if the seller has refused to receive them back.

(5) When goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the

possession of the master as a carrier or as agent of the buyer.

(6) Where the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf, the transit is deemed to be at an end.

(7) Where part delivery of the goods has been made to the buyer or his agent in that behalf, the remainder of the goods may be stopped in transit, unless such part delivery has been given in such circumstances as to show an agreement to give up possession of the whole of the goods.

How stoppage
in transit is
effected.

52. (1) The unpaid seller may exercise his right of stoppage in transit either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case, the notice, to be effectual, shall be given at such time and in such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

(2) When notice of stoppage in transit is given by the seller to the carrier or other bailee in possession of the goods, he shall re-deliver the goods to, or according to the directions of, the seller. The expenses of such re-delivery shall be borne by the seller.

Transfer by buyer and seller.

Effect of sub-
sale or pledge
by buyer.

53. (1) Subject to the provisions of this Regulation, the unpaid seller's right of lien or stoppage in transit is not affected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto :

Provided that where a document of title to goods has been issued or lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for consideration, then, if such last mentioned transfer was by way of sale, the unpaid seller's right of lien or stoppage in transit is defeated, and, if such last mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or stoppage in transit can only be exercised subject to the rights of the transferee.

(2) Where the transfer is by way of pledge, the unpaid seller may require the pledgee to have the amount secured by the pledge satisfied in the first instance, as far as possible, out of any other goods or securities of the buyer in the hands of the pledgee and available against the buyer.

54. (1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or stoppage in transit. Sale not generally rescinded by lien or stoppage in transit.

(2) Where the goods are of a perishable nature, or where the unpaid seller who has exercised his right of lien or stoppage in transit gives notice to the buyer of his intention to re-sell, the unpaid seller may, if the buyer does not within a reasonable time pay or tender the price, re-sell the goods within a reasonable time and recover from the original buyer damages for any loss occasioned by his breach of contract, but the buyer shall not be entitled to any profit which may occur on the re-sale. If such notice is not given, the unpaid seller shall not be entitled to recover such damages and the buyer shall be entitled to the profit, if any, on the re-sale.

(3) Where an unpaid seller who has exercised his right of lien or stoppage in transit re-sells the goods, the buyer acquires a good title thereto as against the original buyer, notwithstanding that no notice of the re-sale has been given to the original buyer.

(4) Where the seller expressly reserves a right of re-sale in case the buyer should make default, and, on the buyer making default, re-sells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim which the seller may have for damages.

CHAPTER VI.

SUITS FOR BREACH OF THE CONTRACT.

55. (1) Where under a contract of sale the property in the goods has passed to the buyer and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may sue him for the price of the goods. Suit for price

(2) Where under a contract of sale the price is payable on a day certain irrespective of delivery and the buyer wrongfully neglects or refuses to pay such price, the

seller may sue him for the price although the property in the goods has not passed and the goods have not been appropriated to the contract.

Damages
for non-
acceptance.

56. Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may sue him for damages for non-acceptance.

Damages for
non-delivery.

57. Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may sue the seller for damages for non-delivery.

Specific
performance.

58. Subject to the provisions of Chapter II of the Specific Relief Act, 1877, as in force in Mysore in any suit for breach of contract to deliver specific or ascertained goods, the Court may, if it thinks fit, on the application of the plaintiff, by its decree direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages. The decree may be unconditional, or upon such terms and conditions as to damages, payment of the price or otherwise, as the Court may deem just, and the application of the plaintiff may be made at any time before the decree.

Remedy for
breach of
warranty.

59. (1) Where there is a breach of warranty by the seller, or where the buyer elects or is compelled to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may—

(a) set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) sue the seller for damages for breach of warranty.

(2) The fact that a buyer has set up a breach of warranty in diminution or extinction of the price does not prevent him from suing for the same breach of warranty, if he has suffered further damage.

Repudiation
of contract
before due
date.

60. Where either party to a contract of sale repudiates the contract before the date of delivery, the other may either treat the contract as subsisting and wait till the date of delivery, or he may treat the contract as rescinded and sue for damages for the breach.

Interest by
way of
damages and
special
damages.

61. (1) Nothing in this Regulation shall affect the right of the seller or the buyer to recover interest or special damages in any case where by law interest or special

damages may be recoverable, or to recover the money paid where the consideration for the payment of it has failed.

(2) In the absence of a contract to the contrary the Court may award interest at such rate as it thinks fit on the amount of the price—

(a) to the seller in a suit by him for the amount of the price from the date of the tender of the goods or from the date on which the price was payable ;

(b) to the buyer in a suit by him for the refund of the price in a case of a breach of the contract on the part of the seller—from the date on which the payment was made.

CHAPTER VII.

MISCELLANEOUS.

62. Where any right, duty or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage is such as to bind both parties to the contract.

Exclusion of implied terms and conditions.

63. Where in this Regulation any reference is made to a reasonable time, the question what is a reasonable time is a question of fact.

Reasonable time a question of fact.

64. In the case of a sale by auction—

(1) where goods are put up for sale in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale ;

(2) the sale is complete when the auctioneer announces its completion by the fall of the hammer or in other customary manner ; and, until such announcement is made, any bidder may retract his bid ;

(3) a right to bid may be reserved expressly by or on behalf of the seller and, where such right is expressly so reserved, but not otherwise, the seller or any one person on his behalf may, subject to the provisions hereinafter contained, bid at the auction :

(4) where the sale is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person ; and any sale

contravening this rule may be treated as fraudulent by the buyer;

(5) the sale may be notified to be subject to a reserved or upset price ;

(6) if the seller makes use of pretended bidding to raise the price, the sale is voidable at the option of the buyer.

Repeal.

65. Chapter VII of the Indian Contract Act, 1872, as in force in Mysore is hereby repealed.

Savings.

66. (1) Nothing in this Regulation or in any repeal effected thereby shall affect or be deemed to affect—

(a) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Regulation, or

(b) any legal proceedings or remedy in respect of any such right, title, interest, obligation or liability, or

(c) anything done or suffered before the commencement of this Regulation, or

(d) any enactment relating to the sale of goods which is not expressly repealed by this Regulation, or

(e) any rule of law not inconsistent with this Regulation.

(2) The rules of insolvency relating to contracts for the sale of goods shall continue to apply thereto, notwithstanding anything contained in this Regulation.

(3) The provisions of this Regulation relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge or other security.

*REGULATION No. VI OF 1932.

(Received the assent of His Highness the Maharaja on the
Thirty-first day of December 1932.)

**A Regulation to amend the Indian Contract Act, 1872,
as in force in Mysore.**

Whereas it is expedient to amend the Indian Contract Act, 1872, for the purposes hereinafter appearing, it is hereby enacted as follows :—

1. (1) This Regulation may be called the Indian Contract Act (Amendment) Regulation, 1932. Short title and commencement.

(2) It shall come into force on the first day of March 1933.

2. For section 178 of the Indian Contract Act, 1872, as in force in Mysore, the following section shall be substituted, namely :— Amendment of section 178.

“178. Where a mercantile agent is, with the consent of the owner, in possession of goods or the documents of title to goods, any pledge made by him, when acting in the ordinary course of business of a mercantile agent, shall be as valid as if he were expressly authorised by the owner of the goods to make the same, provided that the pawnee acts in good faith and has not at the time of the pledge notice that the pawnor has not authority to pledge.” Pledge by mercantile agent.

. *Explanation.*—In this section, the expressions “mercantile agent” and “documents of title” shall have

* Published with Notification No. P. 3834—Legis. 12-31-12, dated 9th—10th January 1933.

For discussions in the R. A. see proceedings of the Assembly October 1931 p. 124.

For debates in the L. C. see Proceedings of the Council December 1931 p. 57-59, June 1932 p. 31 December 32 p. 29.

For the bill and statement of Objects and Reasons see the *Mysore Gazette*, dated 19th November 1931, part IV p. 183-206.

For the report of the Select Committee see the *Mysore Gazette*, dated 28th January 1932 Part IV, p. 29-30.

the meanings assigned to them in the Sale of Goods Regulation, 1932.

Pledge by
person in
possession
under
voidable
contract.

178A. When the pawnor has obtained possession of the goods pledged by him under a contract voidable under section 19 or section 19A, but the contract has not been rescinded at the time of the pledge, the pawnee acquires a good title to the goods, provided he acts in good faith and without notice of the pawnor's defect of title."

* REGULATION No. VII OF 1932.

*(Received the assent of His Highness the Maharaja on the
Thirty-first day of December 1932.)*

**A Regulation further to amend the Mysore Land Acquisition
Regulation, 1894.**

Whereas it is expedient further to amend the Mysore Land Acquisition Regulation, VII of 1894; It is hereby enacted as follows:—

Amendmen
of Section 3
of the
Regulation.

In clause (e) of section 3 of the said Regulation a comma shall be inserted after the words "Letters Patent" and the following words shall be added, *viz.*,

"and includes a society registered under the Societies Registration Regulation, III of 1904 and a "registered society" within the meaning of the Mysore Co-operative Societies Regulation, VII of 1918."

* Published with Notification No. P. 3835—Legis. 68-31-5, dated 9th—10th January 1933.

For discussions in the R. A., see proceedings of the Assembly, June 1932, p. 60-66.

For debates in the Legislative Council, see proceedings of the Council, June 1932, p. 227-237. December 1932, p. 27.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 8th June 1932, Part IV, p. 16-17.

* REGULATION No. VIII OF 1932.

*(Received the assent of His Highness the Maharaja on the
Thirty-first day of December 1932.)*

**A Regulation to impose a Tax on Entertainments and
other Amusements.**

Preamble.

Whereas it is expedient to impose a tax on Entertainments, and other Amusements: It is hereby enacted as follows:—

**Short title,
extent and
commence-
ment.**

1. (1) This Regulation may be called the Mysore Amusements Tax Regulation, 1932.

(2) It extends to the whole of Mysore.

(3) It shall come into force in such local areas and from such dates as the Government may by notification direct.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) “admission” includes admission as a spectator or as one of an audience;

(2) “admission to an entertainment” includes admission to any place in which the entertainment is held;

(3) “agriculture” includes horticulture and live-stock breeding;

(4) “entertainment” includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;

* Published with Notification No. P. 3827—Legis. 38-32-5, dated 7th—9th January 1933.

For discussions in the R. A., see the proceedings of the Assembly, June 1932, p. 69-74.

For debates in the Legislative Council, see the proceedings of the Council, June 1932, p. 622-635. December 1932, p. 237-33.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 8th June 1932, p. 6-7.

For the report of the Select Committee, see the *Mysore Gazette*, dated 10th November 1932, Part IV, p. 217-219.

(5) "live-stock" includes animals of every description;

(6) "local authority" means a municipal council or a local body constituted under any enactment for the time being in force;

(7) "notification" means a notification published in the *Official Gazette*;

(8) "payment for admission" includes any payment made by a person who having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher rate of tax is required, and any payment for seats or other accommodation in a place of entertainment;

(9) "proprietor" in relation to any entertainment, includes any person responsible for the management thereof; and

(10) "society" includes a company, institution, club or other association of persons by whatever name called.

3. (1) There shall as from the first day of April 1933, be charged, levied and paid to the Government a tax, hereinafter referred to as the entertainments tax, at a rate not exceeding twenty-five per cent on all payments for admission to any entertainment.

Tax on payments for admission to entertainments.

Provided that the tax shall not be leviable where the payment for admission is less than four annas.

(2) Subject to the provisions of sub-section (1), the rate of entertainments tax shall be fixed by the Government by notification from time to time and it shall be competent to the Government to fix different rates for different classes of entertainments or for different areas.

(3) The Government may, on the application of a proprietor of any entertainment in respect of which the entertainments tax is payable under sub-section (1), allow the proprietor on such conditions as they may prescribe to pay the amount of the tax due by means of a consolidated payment fixed in such manner as may be prescribed by rules framed by the Government in this behalf.

4. No person shall be admitted for payment to any entertainment where the payment is subject to the entertainments tax, except—

Admission to entertainments.

(a) with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used)

issued by the Government for the purpose of revenue and denoting that the proper entertainments tax has been paid, or

(b) in special cases, with the approval of the Government, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted,

unless the proprietor of the entertainment has made arrangements approved by the Government for furnishing returns of the payments for admission to the entertainments and has given security up to an amount and in a manner approved by the Government for the payment of the entertainments tax.

Penalty for non-payment of tax.

5. If any person is admitted for payment to any place of entertainment and the provisions of section 4 are not complied with, the proprietor of the entertainment to which such person is admitted shall, on conviction before a Magistrate, be liable in respect of each such offence to a fine not exceeding five hundred rupees, and shall, in addition, be liable to pay any tax which should have been paid.

Sections 4 and 5 not to apply in certain cases.

6. The provisions of sections 4 and 5 shall not apply to any entertainment in respect of which a consolidated payment is made under section 3, sub-section (3).

Manner of payment.

7. (1) The entertainments tax shall be charged in respect of each person admitted for payment, and, in the case of admission by stamped ticket, shall be paid by means of the stamp on the ticket and, in the case of admission otherwise than by stamped ticket, shall be calculated and paid on the number of admissions.

(2) The entertainments tax, in the case of admission otherwise than by stamped ticket, shall be recoverable from the proprietor.

(3) Where the payment for admission to an entertainment is made by means of a lumpsum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege, right, facility or thing combined with the right of admission to any entertainment, or involving such right of admission without further payment or at a reduced charge, the entertainments tax shall be paid on the amount of lumpsum, but where the Government are of opinion that the payment of a lumpsum or any payment for a ticket represents payment for

other privileges, rights or purposes besides the admission to any entertainment, or covers admission to an entertainment during any period for which the tax has not been in operation, the tax shall be charged on such an amount as appears to the Government to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

8. (1) The entertainments tax shall not be charged on payments for admission to any entertainment where the Government are satisfied:— Exemptions.

(a) that the whole of the takings thereof are devoted to philanthropic, religious or charitable purposes without any charge on the takings for any expenses of the entertainments; or

(b) that the entertainment is of a wholly educational character (any question on that point to be determined in the case of difference by the Government); or

(c) that the entertainment is provided for partly educational or partly scientific purposes by a society, not conducted or established for profit; or

(d) that the entertainment is provided by a society which is established solely for the purpose of promoting the interest of the industry of agriculture, or the manufacturing industry, or some branch thereof, or the public health and which is not conducted for profit, and consists solely of an exhibition of the products of the industry, or branch thereof, for promoting the interests of which the society exists or of materials, machinery, appliances, or foodstuffs, used in the production of those products, or of articles which are of material interest in connection with the questions relating to the public health, as the case may be.

(2) The Government may, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments tax.

9. Where the Government are satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious or charitable purposes, and that in calculating the net proceeds not more than twenty-five per cent of the gross proceeds have been deducted on account of the expenses of the entertainment, they may repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment.

Refunds in
certain
circum-
stances.

Recoveries.

10. (1) Any sum due on account of the entertainments tax shall be recoverable by the Government as a revenue demand.

(2) Any fine imposed under this Regulation shall be recovered in the manner provided in the Code of Criminal Procedure, 1904, for the recovery of fines.

Inspection.

11. (1) Any officer authorised by the Government for the purpose may enter any place of entertainment while the entertainment is proceeding and any place ordinarily used as a place of entertainment at any reasonable time, with a view to seeing whether the provisions of this Regulation or any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorised, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a Magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorised under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, as in force in Mysore.

Rules.

12. (1) The Government may make rules for securing the payment of the entertainments tax and generally for carrying into effect the provisions of this Regulation and in particular —

(a) for the supply and use of stamps or stamped tickets, or for the stamping of tickets sent to be stamped; and for securing the defacement of stamps when used;

(b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon; and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation;

(c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivances;

(d) for the checking of admissions, the keeping of accounts and the furnishing of the returns by the proprietors of entertainments to which the provisions of section 3, sub-section (3), are applied or in respect of

which the arrangements approved by the Government for furnishing returns are made under section 4 ;

(e) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund under this Regulation or under the rules made thereunder ;

(f) for the keeping of accounts of all stamps used under this Regulation ; and

(g) for the presentation and disposal of applications for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this Regulation.

(2) If any person acts in contravention of, or fails to comply with, any such rules, he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding five hundred rupees.

13. The Government may, by notification, delegate all or any of their powers under this Regulation, except those conferred upon them by sub-section (3) of section 1, by section 3, by section 12, and by this section, to any person or to any authority subordinate to the Government.

Power of Government to delegate certain powers.

14. Government may apportion the proceeds of the entertainments tax in any local area between the local authorities and itself in such a proportion as it may determine by general or special orders or by rules made in this behalf ;

Apportionment of the proceeds of the tax.

Provided that the portion of the entertainments tax kept to itself by the Government shall be limited to the expenses incurred by the Government towards the cost of collection of the tax and for the administration of the Regulation, the amount of such expenses being determined by the Government in such manner as it may deem fit.

* REGULATION No. IX OF 1932.

(Received the assent of His Highness the Maharaja on the
Thirty-first day of December 1932.)

**A Regulation to provide for the imposition of a Tax on
certain forms of betting.**

Preamble.

Whereas it is expedient to impose a tax on certain forms of Betting; It is hereby enacted as follows:—

Short title,
extent, and
commence-
ment.

1. (1) This Regulation may be called the Betting Tax Regulation, 1932.

(2) It extends to the whole of Mysore.

(3) It shall come into force in such local areas and from such dates as the Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Regulation,—

(1) “backer” includes any person who bets with a licensed book-maker or at a totalisator;

(2) “bet” includes “wager” and “betting” includes “wagering;”

(3) “licensed book-maker” means any person who carries on the business or vocation of or acts as a book-maker or turf commission agent under a license or permit issued by any racing club or by the stewards thereof to enable him to carry on his business or vocation under the conditions mentioned under the exception to section 4 (2)(1) of the Mysore Police Regulation, 1908, as specified in the license or permit;

* Published with Notification No. P 3828—Legis. 38-32-6, dated 7th—9th January 1933.

For discussions in the Representative Assembly, see proceedings of the Assembly, June 1932, p. 74-76.

For debates in the Legislative Council, see proceedings of the Council, June 1932, p. 636-639. December 1932, p. 238-39.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 8th June 1932, p. 1-6.

For the report of the Select Committee, see the *Mysore Gazette*, Part IV, dated 29th September 1932, p. 171-173.

(4) "prescribed" means prescribed by this Regulation or the rules made thereunder;

(5) "racing club" includes a club, association, society or body of persons corporate or incorporate —

(a) formed for the purpose of promoting horse-racing or pony-racing or for holding race-meetings; or

(b) conducting or controlling such meetings;

(6) "totalisator" means a totalisator in an enclosure which the stewards controlling a race meeting have set apart in accordance with the Mysore Police Regulation, 1908, and includes any instrument, machine, or contrivance known as the totalisator, or any other instrument, machine, or contrivance of a like nature or a sweep or any other scheme for enabling any number of persons to make bets with one another on the like principles.

3. There shall as from the first day of February 1933, be charged, levied and paid to the Government out of all moneys paid into any totalisator by way of stakes or bets, a tax on backers, hereinafter referred to as the totalisator tax, at such rate not exceeding four per cent of every sum so paid as the Government may, from time to time, notify in this behalf; and such portion of the moneys so paid into a totalisator as is equal to the amount of the totalisator tax at the rate notified as aforesaid by the Government in this behalf, shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race-meeting on behalf of the Government.

Tax on
totalisators
and payment
thereof.

4. The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer a return stating the total amount of the moneys paid into the totalisator at the meeting, and shall, at the prescribed time, make over to the prescribed officer the amount of the tax for that meeting.

Procedure for
making over
totalisator
tax to
Government.

5. (1) The stewards of a race-meeting shall keep accounts in the prescribed form of all moneys paid into the totalisator at that meeting.

Accounts of
totalisator
tax.

(2) Every person having the custody of any such accounts shall, when required by an officer empowered in this behalf by the Government, permit such officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of them.

Betting tax.

6. (1) There shall as from the first day of February 1933, be charged, levied and paid to the Government out of all moneys paid or agreed to be paid by a licensed book-maker to a backer in consequence of the winning by the backer of a bet made in an enclosure set apart under the provisions of the Mysore Police Regulation, 1908, on any race, a tax on backers, hereinafter referred to as the betting tax, at a rate not exceeding four per cent of all such moneys as the Government may, from time to time, notify in this behalf.

(2) The betting tax shall be deducted or collected by the licensed book-maker from such moneys at the time when the money is paid to the backer, or in the case of credit bets at such time as may be prescribed, and shall be deemed to have been paid by the backer on account of the tax, and shall be retained by the licensed book-maker on behalf of the Government.

Procedure for making over betting tax to Government.

7. All sums retained on account of the betting tax shall be made over by the licensed book-maker, by whom they have been retained, to the prescribed officer at such times and in such manner as may be prescribed.

Accounts of betting tax.

8. (1) The stewards of a race-meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer, returns setting out the names of the book-makers, licensed or permitted by them to carry on the business or vocation of a book-maker at that meeting.

(2) All licensed book-makers shall keep accounts of all sums paid or agreed to be paid by them to backers in satisfaction of bets, in such manner as may be prescribed, and shall, when required in writing by an officer empowered in this behalf by the Government, permit such officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of such accounts.

Methods of recovery of totalisator tax and betting tax.

9. (1) The totalisator tax payable under section 3 shall be recoverable as a revenue demand from the racing club conducting the meeting, and any portion of such tax which is not so recovered shall also be recoverable as a revenue demand from the stewards of the race-meeting jointly and severally.

(2) All moneys which a licensed book-maker is liable to make over to the prescribed officer under section 7 shall be recoverable from the licensed book-maker as a revenue demand.

10. The Government may make rules for securing the payment of the totalisator tax and the betting tax, the production and inspection of accounts kept under this Regulation and generally for carrying into effect the provisions of this Regulation, and for dealing with such matters as are therein directed to be prescribed.

Rules.

11. If any person contravenes or fails to comply with any of the provisions of this Regulation or of the rules framed thereunder, he shall, on conviction before a Magistrate, be liable in respect of each such offence to a fine not exceeding rupees five hundred.

Punishment.

12. In section 4, clause (i) of the Mysore Police Regulation, 1908, hereinafter referred as the said Regulation before the definition of "Common gaming house," the following definitions shall be inserted, *viz.*,—

Amendment of section 4 of the Mysore Police Regulation, 1908.

(1) "Gaming" does not include a lottery but includes wagering or betting on a horse race.

'Gaming.'

Exception.—Wagering or betting on a horse race is not gaming when such wagering or betting takes place—

- (i) on the date on which such race is to be run; and
- (ii) in a place or places within the race enclosure which the authority controlling such race has, with the sanction of the Government, set apart for the purpose.

(2) 'Instruments of gaming' include an article used as a subject, or means of, or for the purpose of carrying on or facilitating, or in connection with gaming and any books, lists, tickets, forms or other documents used or intended to be used as a register or record or evidence of gaming.

"Instruments of gaming."

13. In section 63 of the said Regulation, sub-sections (1) and (2) shall be renumbered as (3) and (4) and the following shall be added as sub-sections (1) and (2), namely,—

Amendment of section 63 of the Mysore Police Regulation, 1908.

"(1) Whoever opens, keeps or uses, or permits to be opened, kept or used any enclosure, room or place for the purpose of gaming on a horse-race, shall be liable, on conviction, to imprisonment not exceeding three months or for every day on which such enclosure, room or place is so opened, kept or used, to a fine not exceeding five hundred rupees or both.

“(2) Whoever is found gaming on a horse-race shall be liable, on conviction, notwithstanding any provision to the contrary in this Regulation to a fine not exceeding five hundred rupees or to imprisonment not exceeding one month.”

14. In *explanation* 2 of section 63 of the said Regulation, after the word “wager,” the word “bet” shall be inserted.

* REGULATION No. I OF 1933.

(Received the assent of His Highness the Maharaja on the
Third day of January 1933.)

**A Regulation further to amend the Mysore Limitation
Regulation, 1911.**

Whereas it is expedient further to amend the Mysore Limitation Regulation, 1911, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (i) This Regulation may be called the Mysore Limitation (Amendment) Regulation, 1933. Short title and commencement.

(ii) It shall come into force on the first day of March 1933.

2. In the First Division of the First Schedule to the Mysore Limitation Regulation, 1911, (hereinafter referred to as the said Regulation)— Amendment of Article 5 of First Schedule.

(a) after Article 3 the heading “*Part IV—One year*” shall be inserted;

(b) In Article 5.

(i) to the entry in the first column the following shall be added, namely:—

“where the provision of such summary procedure does not exclude the ordinary procedure in such suits and under Order XXXVII of the said Code;”

(ii) for the entry in the second column the entry “One year” shall be substituted; and

* Published with Notification No. P. 3853—Legis. 5-32-5, dated 10th January 1933.

For discussions in the R. A., see Proceedings of the Assembly June 1932 P. 66-69.

For debates in the Legislative Council, see Proceedings of the Council June 1932, P. 269-271, Dec. 1932 P. 29-30.

For the bill and statement of objects and reasons, see the *Mysore Gazette* dated 8th June 1932.

(c) the heading “ *Part IV—One year* ” after Article 5 shall be omitted.

Amendment
of Article 159
of the First
Schedule.

3. In the Third Division of the First Schedule to the said Regulation, in the entry in the first column of Article 159, after the figures and letter “128 (2) (f)” the words and figures “or under Order XXXVII” shall be inserted.

* REGULATION No. II OF 1933.

*(Received the assent of His Highness the Maharaja on the
Third day of January 1933.)*

**A Regulation further to amend the Code of
Criminal Procedure, 1904.**

Whereas it is expedient to further amend the Code of Criminal Procedure, 1904; It is hereby enacted as follows:—

Addition of
new Section
58-A.

After section 58 of the Code of Criminal Procedure 1904, the following new section shall be inserted as section 58-A.

Pursuit and
arrest in
Mysore of
persons
accused of
offences
committed
elsewhere.

“58-A (1) When a person accused of having committed in British India, an offence which, if committed in Mysore, would be punishable under any of the following sections of the Indian Penal Code as in force in Mysore, namely, Sections 300, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402 enters Mysore with members of the Police Force of British India in pursuit, the pursuing party may subject to the provisions hereinafter contained, continue the pursuit into, and arrest the fugitive in Mysore.”

“(2) The authorisation conferred by sub-section (1) shall not be operative unless—

- (a) the pursuing party includes at least one officer holding in the British Indian Police Force a rank not lower than the rank corresponding with that of a Jamadar of the Mysore Police; and

* Published with Notification No. P. 3852—Legis. 44-32-4, dated the 10th January 1933.

For discussions in the R. A., see Proceedings of the Assembly June 1932, P. 57-60.

For discussions in the L. C., see Proceedings of the Council June 1932, P. 217-227, December 1932, P. 27-28.

For the bill and statement of objects and reasons; see the *Mysore Gazette* dated 8th June 1932.

- (b) the circumstances are such that an application for the continuance of the pursuit and the effecting of the arrest by the Mysore Police would prejudice the prospects of effecting the arrest of the fugitive.

*Explanation:—*If, when the pursuing party has continued the pursuit into Mysore under the authority of clause (b) of this sub-section, it becomes possible to communicate with the Mysore Police, before the fugitive has been arrested and without prejudice to the prospects of effecting his arrest, the pursuing party shall forthwith communicate with the Mysore Police for the arrest of such fugitive.”

“(3) A person arrested by the British Indian Police under sub-section (1) shall forthwith be conveyed to the nearest place in which an officer of the Mysore Police is known to be and shall be handed over to the Mysore Police in that place.”

* REGULATION No. III OF 1933.

*(Received the assent of His Highness the Maharaja
on the sixth day of January 1933.)*

A Regulation to amend the Mysore University Regulation.

Whereas it is expedient to amend and consolidate the provisions of the Mysore University Regulation, V of 1916, as amended from time to time; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore University Regulation, 1933. Short Title.

2. It shall come into force on the first day of July 1933. Commence-
ment.

3. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

“Council” means the University Council;

“The Constituent Colleges” means, the Maharaja’s College, the Central College, the Engineering College, the Medical College, the Maharani’s College for Women and such other Colleges in Mysore or in Bangalore as may be declared by the Government from time to time to be constituent Colleges.

“Registered Graduates” means graduates registered under this Regulation or under Regulation V of 1916, as amended from time to time.

“Statutes and Ordinances” means the Statutes and Ordinances of the University for the time being in force.

“University” means the University of Mysore.

* Published with Notification No. P. 3921—Legis. 48-32-1, dated the 13—16th January 1933

For discussions in the R. A., see Proceedings of the Assembly June 1932, P. 76-84.

For discussions in the L. C., see Proceedings of the Council June 1932, P. 639-670, December 1932, P. 30-80.

For the bill and statement of objects and reasons; see the *Mysore Gazette*, dated 8th June 1932.

For the report of the Select Committee: see the *Mysore Gazette* P. IV. dated 10th November 1932.

- (b) the circumstances are such that an application for the continuance of the pursuit and the effecting of the arrest by the Mysore Police would prejudice the prospects of effecting the arrest of the fugitive.

Explanation :—If, when the pursuing party has continued the pursuit into Mysore under the authority of clause (b) of this sub-section, it becomes possible to communicate with the Mysore Police, before the fugitive has been arrested and without prejudice to the prospects of effecting his arrest, the pursuing party shall forthwith communicate with the Mysore Police for the arrest of such fugitive.”

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For the bill and statement of objects and reasons; see the *Mysore Gazette*, dated 8th June 1932.

For the report of the Select Committee: see the *Mysore Gazette* P. IV. dated 10th November 1932.

“University Professor” means a Professor in the University appointed as University Professor by the Government.

THE UNIVERSITY.

Incorporation.

4. (1) The persons who have been specified in this behalf by notification of the Government published in the Official Gazette as the Vice-Chancellor and Members of the Senate and of the Council and all persons who may hereafter become or be appointed as Vice-Chancellor and Members of the Senate and of the Council and of the Academic Council as hereinafter constituted so long as they continue to hold such office or membership shall be a body corporate by the name of the University of Mysore.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

(3) The University shall be deemed to be incorporated for the purposes, among others, of making provision for imparting education, literary, scientific, and artistic as well as agricultural, technical, commercial and professional, of furthering original research, of promoting the study of literature, science, art, philosophy, history, medicine and other branches of useful knowledge and of imparting physical and moral training.

Power to provide for instruction, to grant degrees, etc.

5. The University shall have power—

(a) to provide for instruction in such branches of learning as the University may decide and also for research and for the advancement and dissemination of knowledge,

(b) to grant and confer degrees and other academic distinctions to and on persons who shall have pursued a prescribed course of study in the University and shall have passed the examinations held by the University,

(c) to grant diplomas, certificates or other distinctions to persons who have pursued a course of study under conditions approved by the University,

(d) to confer honorary degrees or other distinctions,

(e) to withdraw or cancel degrees, diplomas, certificates or other distinctions granted or conferred, and

(f) to do all such other acts and things as may be required in order to further the objects of the University as a teaching and examining body.

6. (1) The University shall be able and capable in law to take, purchase and hold any property, moveable or immoveable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of, all or any of the property moveable or immoveable, belonging to the University; and also to do all other acts incidental of appertaining to a body corporate.

Power to hold and to dispose of property.

(2) All immoveable property transferred to the University by the Government either prior to the coming into force of this Regulation or subsequent thereto shall be under the direction, management and control of the University, and applied by it as trustee, subject to the provisions and for the purposes of this Regulation.

THE CHANCELLOR.

7. (1) His Highness the Maharaja of Mysore shall be the Chancellor and the highest controlling authority of the University.

Chancellor.

(2) The Chancellor may at any time direct an inspection of the University Institutions, including buildings, laboratories and other appurtenances, generally and for the purpose of seeing that the proceedings of the University are in conformity with this Regulation, the Statutes and the Ordinances.

(3) The Chancellor may, by order in writing, annul any proceeding which is not, in his opinion, in conformity with this Regulation, the Statutes or the Ordinances:

Provided that, before making any such order, he may call upon the University to show cause why such an order should not be made, and if any cause is shown within reasonable time, may consider the same.

THE PRO-CHANCELLOR.

8. The Chancellor may at any time appoint a Pro-Chancellor to exercise such powers and functions of the Chancellor as may be delegated to him by the Chancellor. The Pro-Chancellor shall, in all public functions connected with the University, take rank and precedence immediately after the Chancellor.

Pro-Chancellor.

OFFICERS.

Officers of the
University.

9. The officers of the University shall include—

(a) the Vice-Chancellor,

(b) the Registrar, *and*

(c) such other officers as may be provided for by the Statutes.

Vice-Chan-
cellor.

10. (1) The Vice-Chancellor shall be appointed by, and shall hold office during the pleasure of, the Chancellor.

(2) The Vice-Chancellor shall take rank in the University next to the Pro-Chancellor and shall be *ex-officio* Chairman of the Senate, of the Council and of the Academic Council and of any committees appointed by the University of which he is a member. He shall be the principal executive Officer of the Senate, of the Council and of the Academic Council. He shall, in the absence of the Chancellor and of the Pro-Chancellor, preside over the Convocation and confer degrees.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Regulation, the Statutes and the Ordinances are observed and carried out and he may exercise all powers necessary for this purpose.

(4) The Vice-Chancellor may, take action in any emergency which in his opinion calls for immediate action. He shall, in such a case, and as soon as may be thereafter, report his action to the authority which would ordinarily have dealt with the matter.

(5) The Vice-Chancellor shall perform such other functions and exercise such other powers as may be defined in the Statutes and in the Ordinances.

Registrar.

11. The Registrar shall be appointed by the Government on the recommendation of the Council. He shall be the custodian of the records and of the common seal of the University on behalf of the Council. He shall act as Secretary to the Senate, to the Council and to the Academic Council and shall perform such other duties as may be prescribed by the Statutes or required, from time to time, by the Council or by the Vice-Chancellor.

AUTHORITIES.

12. The authorities of the University shall include :— Anti

- (a) the Senate,
- (b) the Council,
- (c) the Academic Council,
- (d) the Faculties, and
- (e) such other authorities as may be provided for in the Statutes.

THE SENATE.

13. (1) The Senate shall consist of—

Cons

CLASS I—Ex-officio Members.

(a) The Vice-Chancellor and the other members of the Council mentioned in Section 14.

- (b) The Registrar.
- (c) The Deans of the Faculties.
- (d) The University Professors.

CLASS II—Elected Members.

(e) Four members elected by the Academic Council from among its members.

(f) Six Members elected by registered graduates from among themselves.

(g) Four members elected by and from the Legislative Council.

(h) Eight members elected by and from the Representative Assembly.

CLASS III—Nominated Members.

(i) Other members nominated by the Chancellor so as to make up along with members in classes I and II a total membership not exceeding seventy-five.

CLASS IV—Additional Members.

(j) One representative of each of such Municipalities, District Boards and Associations as undertake to contribute a sum of not less than Rs. 2,000 per annum for a period of not less than five years to the University Fund for the general purposes of the University so long as the contributions continue to be paid ; and

(k) Every person who contributes to the University Fund for the general purposes of the University a sum of not less than ten thousand rupees or transfers property of the like value. Every such person shall be a life member of the Senate.

(2) The election of members of the Senate coming under class II and the appointment of additional members under class IV shall be subject to the approval of the Chancellor.

(3) The Chancellor may, on the representation of the Senate, cancel the appointment of any person as a member of the Senate, and as soon as such order is notified in the Official Gazette the said person shall cease to be a member of the Senate.

(4) The Senate shall be reconstituted every three years.

(5) Except in such cases as are otherwise provided in the Statutes, a member of the Senate shall hold his seat until the next reconstitution of the Senate or of the body he represents thereon, whichever takes place earlier.

(6) The Senate may institute and confer such degrees and grant such diplomas, licences, certificates and other distinctions under such conditions as may be prescribed by the Statutes and the Ordinances.

(7) The Senate shall subject to the provisions of sections 20 and 21, have power to make, amend or repeal Statutes, either of its own motion or on the motion of the Council and to consider or cancel Ordinances under conditions laid down by the Statutes.

(8) The Senate shall review the annual report and the annual accounts of the University which shall be placed before it by the Council, and shall consider the Budget according to the provisions of the Statutes.

(9) The Senate shall have power to co-operate with other Universities and authorities.

(10) The Senate shall discharge such other functions as may be assigned to it by this Regulation and the Statutes.

THE COUNCIL.

Council, its
Function and
powers.

14. (1) The Executive Government of the University including the general superintendence and control over the institutions of the University, shall be vested in the Council; provided that the Government may by rules

framed in this behalf from time to time reserve to themselves such powers relating to the appointment, punishment, removal and leave of the officers mentioned in section 26 as they may deem fit.

(2) The Council shall consist of fifteen members Constitution.
and shall include—

- (a) The Vice-Chancellor,
- (b) The Director of Public Instruction in Mysore,
- (c) Three members elected by the Senate from among its members who are not on the staff of the University.
- (d) Two members elected from and by the Academic Council,
- (e) Three heads of constituent colleges nominated by the Chancellor,
- (f) Five other members nominated by the Chancellor of whom not more than one shall be employed on the staff of the University.

(3) The Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Council shall have power—

(a) to propose Statutes for the consideration of the Senate, and

(b) to make Ordinances subject to the sanction of the Government provided that Ordinances relating to academic matters shall not be considered by the Council except on the initiative of the Academic Council and that after consideration of academic Ordinances drafted and recommended by the Academic Council, the Council shall have power to assent to, withhold assent from, to reject or to remit for further consideration by the Academic Council, such academic Ordinances but not to modify them.

(5) The Council shall hold, control and administer the property and funds of the University.

(6) The Council shall have the custody and shall direct the use of the common seal of the University.

(7) The Council shall have power to accept donations and transfers of any moveable or immoveable property on behalf of the University.

(8) The Council shall be responsible for the maintenance of discipline in the University.

(9) The Council shall exercise such other powers and perform such other functions as may be prescribed by this Regulation, the Statutes or the Ordinances.

ACADEMIC COUNCIL.

Academic
Council.

15. (1) The Academic Council shall be the academic authority in the University and shall, subject to the provisions of this Regulation, the Statutes and the Ordinances, be responsible for maintaining the standard of teaching and examination in the University.

(2) The Academic Council shall consist of—

The Vice-Chancellor,
The Director of Public Instruction in Mysore,
The Registrar,
The Principals of the Constituent Colleges,

University Professors, Professors and such Assistant Professors as are in full charge of subjects,

The Superintendents of Intermediate Colleges,
The University Librarian,
The Deans of Faculties,
Five members elected by and from the Senate,
Five members nominated by the Government.

(3) The Academic Council shall be reconstituted every three years, after the reconstitution of the Senate; it shall continue to function until it is reconstituted.

(4) The Academic Council shall have power to propose Ordinances relating to academic matters for the consideration of the University Council and to make bye-laws regarding courses, examinations and other academic matters assigned to it by this Regulation, the Statutes and the Ordinances.

(5) It shall be a function of the Academic Council to promote research within the University.

THE FACULTIES.

Faculties.

16. (1) The University shall include Faculties of Arts, Science, Engineering and Technology, and Medicine and such other Faculties as may, from time to time, be constituted by the Statutes.

Constitution.

(2) The Faculties shall be constituted every three years from among the members of the Academic Council, each member of which body shall be assigned by it to one or more Faculties.

(3) In addition to the members of the Academic Council assigned to the Faculties, the Academic Council shall appoint three teachers to each Faculty: and the

Faculty so constituted shall have power to co-opt not more than three persons as members of the Faculty on the ground of their expert knowledge of subjects coming within the purview of the Faculty.

(4) Each Faculty shall act generally in an advisory capacity to the Academic Council in academic matters falling within its purview. Function.

(5) The Faculties shall perform such other functions as may be prescribed by this Regulation, the Statutes and the Ordinances.

(6) Each Faculty shall elect a Dean of that Faculty who shall preside as chairman at meetings of the Faculty and shall perform such other functions and duties as may be prescribed by this Regulation, the Statutes and the Ordinances. Dean.

THE UNIVERSITY INSTITUTIONS.

17. Colleges, Schools and other Institutions for study and research shall be maintained by the University according to the provisions of the Statutes. Institutions

FINANCE AND CONTROL.

18. (1) Subject to rules made by Government in this behalf all grants made by the Government from time to time and all sums paid or endowments made by private persons or local authorities for the purposes of the University, together with all fees received and rents and profits and other income derived from the property and funds vested in the University shall form a fund styled the University Fund which shall be at the disposal of the University to be employed for any of the purposes mentioned in this Regulation or in the Statutes or Ordinances. University fund.

(2) The University Fund shall be managed according to rules laid down in that behalf in the Statutes.

19. (1) The Government shall have power at any time to order an audit of the accounts of the University by such auditors as it may direct, Powers of Government.

(2) If, at any time, the Government is of opinion that in any matter the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Regulation and the Statutes and the Ordinances framed thereunder, or that special measures are desirable to maintain the standard of university teaching or examination, it may

indicate to the Council any matter in regard to which it desires an explanation and call upon that body to offer such explanation as they desire to offer within such time as may be prescribed. If the Council fail to offer any explanation within the time prescribed or offer an explanation which in the opinion of the Government is unsatisfactory, the Government may issue such instructions as appear to it to be necessary and desirable in the circumstances of the case, and may exercise such powers as may be necessary for giving effect to those instructions.

THE STATUTES.

Statutes.

20. Subject to the provisions of this Regulation, the Statutes may provide for all or any of the following matters:—

(a) the powers and duties of the officers of the University other than the Chancellor and the Pro-Chancellor, in so far as these are not defined herein,

(b) the constitution, powers and duties of the authorities of the University in so far as these are not defined herein,

(c) the procedure to be followed in the matter of the nomination, the election and the continuance in office of members of the University authorities and the filling up of vacancies among members, in so far as these matters are not prescribed herein and all other matters relating to these bodies which it may be necessary or desirable to provide,

(d) the degrees, diplomas, licences, certificates and other academic distinctions to be awarded by the University,

(e) the withdrawal or cancellation of degrees, diplomas, licences, certificates and other academic distinctions,

(f) the maintenance of a register of registered graduates,

(g) all such other subjects as are required or authorised by this Regulation to be prescribed by means of Statutes.

Procedure for making Statutes.

21. (1) All proposals by the Senate to make, amend or repeal Statutes shall be submitted to the Government with the opinion of the University Council which shall have been already submitted to the Senate; It shall be open

to Government to assent to, or withhold assent from such proposal or to remit them for further consideration.

(2) No new Statute and no amendment or repeal of an existing Statute made by the Senate shall have effect until it is assented to by the Government.

22. The First Statutes shall be those attached as First statutes.
Schedule A to this Regulation.

THE ORDINANCES.

23. Subject to the provisions of this Regulation and Ordinances.
the Statutes, the Ordinances may provide for any or all of the following, among other matters:—

(a) the direction of academic matters relating to courses of study and examinations,

(b) the discipline to be required of graduates and under-graduates,

(c) conditions of admission to the various courses of study,

(d) qualifying attendance required in the various courses,

(e) membership of the University and the duties and privileges attached thereto,

(f) the payment of fees to the University in relation to the enjoyment of privileges therefrom,

(g) the number and designations of officers of the University, their powers and duties and the terms for which they shall hold offices in so far as these matters are not provided for in the Regulation and the Statutes,

(h) the appointment and the prescription of the duties of Boards of Studies and Boards of Examiners,

(i) all such other subjects as are required or authorised by the Regulation and the Statutes to be prescribed by means of Ordinances.

24. The procedure to be followed in making Ordinances and in amending or repealing existing Ordinances shall be according to provisions made in that behalf in the Statutes. Procedure for making ordinances.

MISCELLANEOUS.

25. The Senate, the Council, the Academic Council and other bodies that may be constituted under this Regulation, the Statutes and the Ordinances, may make such subsidiary rules, and bye-laws not inconsistent with this Regulation and the Statutes and the Ordinances in Subsidiary rules.

force as may be required to regulate the conduct of business entrusted to them severally.

Privileges,
etc., of
University
employees.

26. Notwithstanding anything contained in this Regulation, all Professors, Assistant Professors and other officers and servants now employed in the Colleges and other Institutions of the University and all such as may be employed hereafter for carrying on the work of the University shall, unless a reservation to the contrary is made at the time of their employment, be deemed to be officers holding appointments under the Government and shall in all respects be governed by the rules framed by the Government and in force for the time being in respect of such officers.

Acts during
vacancies.

27. No act or proceedings of the Senate, the Council, the Academic Council or other body constituted under this Regulation or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it at the time any such act or proceeding is done or passed.

TRANSITIONAL.

Continuation
of present
ordinances.

28. The Ordinances of the University of Mysore in force at the time of the coming into operation of this Regulation shall, so far as they may be applicable, remain in force until they are replaced by Statutes and Ordinances to be framed under this Regulation.

Removal by
Government
of difficulties
at the com-
mencement
of the
Regulation.

29. In case of difficulty arising as to the first constitution or reconstitution of any authority of the University after the commencement of the operation of this Regulation or otherwise in first giving effect to its provisions, the Government may by order do anything which appears to it necessary for the purpose of removing such difficulty.

Repeal of
enactments.

30. The Regulations mentioned in Schedule B are hereby repealed.

Schedule A.

(SEE SECTION 22.)

First Statutes.

Vice-
Chancellor;
Power to
convene
meetings.

1. (a) The Vice-Chancellor shall have power to convene meetings of the Senate, the Council and the Academic Council and, when necessary, of any other University body.

(b) The Vice-Chancellor shall convene a meeting of the Senate on the requisition of any fifteen members.

2. The quorum for meetings of the several University authorities shall be as follows:—

The Senate	...	...	... 25
The Council	...	...	... 7
The Academic Council	...	...	... 20
All other bodies	...	..	Half of the strength of such bodies.

3. The Registrar shall conduct the official correspondence of the Senate, the Council and the Academic Council. He shall issue all notices convening meetings of the Senate, the Council, the Academic Council and the Faculties. He shall be empowered to sign agreements on behalf of the Council. He shall manage the property and investments of the University and the University Fund under the directions of the Council.

Registrar;
Powers and
duties.

4. In addition to the Constituent Colleges, the University shall maintain the following teaching institutions, namely,

University
Institutions
other than
constituent
colleges.

the Intermediate College, Mysore ;
the Intermediate College, Bangalore ;
the Intermediate College for Women, Bangalore ;
the Medical School, Bangalore, and such other

teaching institutions as the Government in consultation with the University may, from time to time, direct to be maintained.

5. The University may confer the following Degrees.

Bachelor of Arts	....	(B.A.)
Bachelor of Science	....	(B.Sc.)
Bachelor of Commerce	....	(B.Com.)
Bachelor of Engineering	....	(B.E.)
Bachelor of Medicine and Surgery	....	(M.B.B.S.)
Bachelor of Teaching	....	(B.T.)
Master of Arts	....	(M.A.)
Master of Science	....	(M.Sc.)
Doctor of Philosophy	....	(Ph.D.)
Doctor of Letters	....	(D.Litt.)
Doctor of Science	...	(D.Sc.)
Doctor of Laws	....	(LL.D.)

Honorary
Degrees.

Honoris
Causa.

Conferment
of Honorary
Degrees.

6. Where at a meeting of the Academic Council not less than eight members recommend that an honorary degree be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by the Council and accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Senate shall confer the honorary degree on such person: Provided that in case of urgency the Chancellor may act on the recommendation of the Council only.

Cancellation
of Degrees,
etc.

7. Where evidence is laid before the Council showing that any person on whom a degree, diploma, license, certificate or other distinction has been conferred or granted by the Senate, has been convicted of what in the opinion of the Council is a serious offence involving moral delinquency and where at a meeting of the Council not less than eight members recommend to the Senate that the degree, diploma, license, certificate or other distinction be cancelled and where the recommendation is accepted by not less than two-thirds of the members present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, certificate or other distinction shall be cancelled accordingly.

Accounts of
University
Fund.
Audit of
accounts.

8. The Council shall cause to be maintained proper accounts relating to the University Fund.

9. The Council shall arrange for the conduct of a detailed running audit by the Comptroller to the Government or by such other agency as may be determined by the Council of the accounts of the University including those of the institutions under it. It shall be competent to the University to make a contribution out of its funds towards the charges connected therewith.

Budget.

10. The Council shall have prepared and laid before the Senate at a meeting to be held not later than the month of April in each year accounts of receipts and expenditure of the University for the previous year ending the 30th June together with an estimate of the income and expenditure of the University for the year to commence on the 1st July following.

Senate to
consider the
Budget.

11. The Senate shall consider and pass resolutions on the budget estimates and shall communicate such resolutions to the Council. The Council shall take such action thereon as it thinks proper.

12. The budget estimates, after such consideration by the Senate and review by the Council shall be submitted to the Government; and it shall be competent to the Government to sanction the budget estimates with such modifications, if any, as they may deem fit.

Budget to be submitted to the Government.

13. (i) Ordinances shall be of two kinds—

Ordinances.

- (a) academic
- (b) administrative.

(ii) Ordinances dealing with academic matters such as courses of study, examinations and the promotion of research shall be deemed to be academic ordinances.

Procedure relating to making, amending and repealing.

(iii) Ordinances dealing with administrative matters such as elections, audits, inspections, fees, scholarships, free-studentships and such other matters as may be necessary for carrying on the administration shall be deemed to be administrative ordinances.

(iv) In the event of doubt arising as to the category in which an ordinance or a proposed ordinance should fall, the matter shall be decided in each such case by the ruling of the Vice-Chancellor.

14. (1) Proposals to make new academic ordinances or to amend or repeal existing academic ordinances shall originate with the Academic Council. Such proposals as may be accepted by the Academic Council shall be forwarded to the Council, which may assent to or withhold assent from such proposals or remit them for further consideration.

Academic Ordinances.

(2) The Council may, in case of urgency, dispose of academic matters which cannot wait. The Council shall, in such cases, report its action to the Academic Council at its next meeting. It shall be open to the Academic Council, to cancel such action, but without retrospective effect.

15. Proposals to make new administrative ordinances or to amend or repeal existing administrative ordinances shall originate with the Council. The Council may proceed to make and to bring into effect from such date as the Council may appoint any Ordinance, whether originating with the council or with the Academic Council provided that before any Ordinance is brought into effect it shall be submitted to the Government and it shall be competent to the Government to disallow it or suspend its operation pending consideration by the Senate.

Administrative Ordinances.

Ordinances to
be considered
by the Senate.

16. All Ordinances passed by the Council shall be submitted to the Senate at the next meeting of the Senate for consideration provided that a member of the Senate may give notice of a proposition in the nature of an Ordinance, which may be referred by the Senate, with or without discussion, to the Council or to the Academic Council, as the case may be : and the latter shall proceed with the proposition as in the case of a proposal initiated by itself.

Academic
Ordinances
to be submit-
ted to the
Senate.

17. All proposals relating to Ordinances forwarded by the Academic Council to the Council, whether approved by the latter or not, shall be submitted to the Senate at the next regular meeting of the Senate.

Procedure of
Senate in
regard to
Ordinances.

18. The Senate may deal with Ordinances or proposals in respect of Ordinances submitted to it by the Council in any one of the following ways:—

(a) the Senate may assent;

(b) the Senate may cancel by a two-thirds majority of the members present at the meeting at the time of voting;

(c) the Senate may by a two-thirds majority of the members present at the meeting at the time of voting remit for further consideration, with or without suggestion for amendment;

(d) in the case of proposals affecting Ordinances emanating from the Academic Council and submitted by the Council in respect of which there is disagreement between the Academic Council and the Council it shall be open to the Senate to assent or not to assent ; but not to amend.

Assent of
Government
to proposals
relating to
Ordinances
necessary.

19. Ordinances which have received the assent of the Senate, or which have not been cancelled or remitted by it for further consideration shall be submitted to the Government who may sanction or reject or remit them for further consideration.

Council,
duties of.

20. Besides the duties assigned to it by this Regulation, the Council shall exercise the following functions :—

(a) award stipends, scholarships, medals, prizes and other awards in conformity with the Ordinances and under the prescribed conditions ;

(b) appoint the teachers of the University and fix their emoluments and conditions of service in accordance with rules made by the Government on this behalf ;

(c) appoint the following, among other necessary Boards and Committees :—

Boards of Studies, Boards of Examiners, Students Residence Committees, Extension Lectures Committee, Union Committees, University Library Committee and the like ;

(d) order examinations in conformity with the Ordinances and appoint examiners after considering the recommendations of the Boards of Studies and the Academic Council ;

(e) declare the results of the examinations and recommend for degrees, honours, diplomas, licences, certificates and other marks of distinction ;

(f) maintain a list of graduates ;

21. The Academic Council—

Academic Council,
duties of.

(a) shall make proposals for the organisation of courses of instruction in the University and shall be responsible for teaching work in the University and in general for purely academic questions ;

(b) shall have control and general regulation of the standards of instruction, education and examination ;

(c) shall make proposals for the conduct of University examinations and shall recommend to the Council the appointment of examiners ;

(d) shall advise the Council in regard to students' fees for instruction and examination ; and in regard to all subjects relating to teaching, examination and academic discipline ;

(e) shall co-operate with other Universities or with Inter University organizations in such work as is germane to the University.

22. (1) The Council shall maintain a register in which a graduate of any of the following classes may be entered :—

Registrations
of Graduates.

(a) Graduates who have taken the degree of Master of Arts or of Master of Science in the Mysore University ;

(b) other Mysore University graduates who passed the Bachelor's Degree Examination not less than five years before the date of application ; and

(c) Mysoreans by birth or domicile who, having passed a degree examination of a University other than the Mysore University before 1919, have since taken the degree.

(2) The fee for registration shall be Rs. 5 for life and shall be paid along with the application for registration. Graduates who were registered on or before 4th January 1930 shall not be required to make any further payment.

Schedule B.

(SEE SECTION 30.)

<i>Year.</i>		<i>Number</i>	<i>Short title.</i>	<i>Extent.</i>
1916	...	V	The Mysore University Regulation.	The whole
1919	...	II	Regulation to amend the Mysore University Regulation, 1916.	Do
1923	...	XIV	Do	Do
1925	..	I	Do	Do
1927	...	III	Do	Do
1928	...	II	Do	Do

* REGULATION IV OF 1933.

*(Received the assent of His Highness the Maharaja
on the 26th day of June 1933.)*

**A Regulation to repeal certain enactments whereby breaches
of contract by labourers are made punishable under
the Criminal Law.**

Whereas it is expedient to repeal certain enactments whereby breaches of contract by labourers are made punishable under the Criminal Law: It is hereby enacted as follows:—

1. (1) This Regulation may be called the Workmen's Breach of Contract Act (Repealing) Regulation, 1933. Short title
and com-
mencement.

(2) It shall come into force on the first day of October 1933.

2. The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals.

THE SCHEDULE.

Year	No.	Short Title	Extent of repeal
1859	XIII.	The Workmen's Breach of Contract Act, 1859	The whole
1860	XIV.	The Indian Penal Code as in force in Mysore.	Sections 490 and 492.
1923	XI.	A Regulation to amend the Workmen's Breach of Contract (Amendment) Act, 1859.	The whole

* Published with Notification No. P. 43—Legis. 41-32-5, dated 3rd—4th July 1933.

For discussions in the R. A., see Proceedings of the Assembly October 1932, P. 61-72.

For discussions in the L. C., see Proceedings of the Council December 1932, Pages 81-86; June 1933, Pages 25; 28 and 29.

For the bill and statement of objects and reasons; see the *Mysore Gazette*, Part IV, dated 10th November 1932.

REGULATION V OF 1933.*

*(Received the assent of His Highness the Maharaja
on the 27th day of June 1933.)*

**A Regulation to amend the Mysore Elementary Education
Regulation X of 1930.**

Preamble.

Whereas it is expedient to amend the Mysore Elementary Education Regulation X of 1930: It is hereby enacted as follows :—

(1) To section 4 of the Regulation, the following shall be added as an *explanation* thereunder :—

EXPLANATION.

Addition of an
explanation
to section 4.

For the purposes of this Regulation, a District Board shall have jurisdiction throughout the District, except over such areas as are under the jurisdiction of other local authorities which are themselves Local Education Authorities under this Regulation.

2. The following shall be added as sub-section (4) in section 11 of the Regulation.—

Addition of a
new sub-
section to
section 11.

“(4) The Education Cess levied under this section shall be collected, subject to such rules as may be prescribed by the Government in this behalf, by the same authority as collects the revenue or tax on which the cess is levied.”

Amendment
of the first
proviso of
section 49 (2).

3. In the first proviso to sub-section (2) of section 49 of the Regulation, the words “which is a Local Education Authority” following the words “a Municipal Council,” shall be deleted.

* Published with Notification No. P. 44—Legis. 40-32-5, dated 3rd—4th July 1933.

For discussions in the R. A., see the Proceedings of the Assembly, October 1932, Pages 60—61.

For debates in the Legislative Council, see Proceedings of the Council, December 1932, Pages 108—110 ; June 1933, P. 21.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 10th November 1932, Part IV.

REGULATION VI OF 1933.*

(RECEIVED THE ASSENT OF HIS HIGHNESS THE
MAHARAJA ON THE 27TH DAY OF JUNE 1933.)

**A Regulation further to amend the Mysore Co-operative
Societies Regulation VII of 1918.**

Whereas it is expedient further to amend the Mysore Co-operative Societies Regulation VII of 1918, as amended by Regulation V of 1929; it is hereby enacted as follows:—

This Regulation may be called the Mysore Co-operative Societies (Amendment) Regulation, 1933.

1. In section 2 of the Mysore Co-operative Societies Regulation, 1918 (hereinafter referred to as the said Regulation), insert the following as definition (*d*) and re-number definitions (*d*), (*e*), (*f*) and (*g*) as (*e*), (*f*), (*g*) and (*h*), respectively:—

Amendment
of section 2.

(*d*) “financing bank” means a registered society, the main object of which is to lend money to registered societies and includes a registered society which had among its objects the lending of money to registered societies;

2. In section 9 of the said Regulation, insert the following as sub-section (2), numbering the present section 9 as sub-section (1):—

“(2) If the Registrar refuses to register a society, an appeal shall lie to the Government within two months from the date of the communication by the Registrar of his refusal to register the society.”

* Published with Notification No. P. 258—Legis. 47-32-3, dated 13-14th July 1933.

For discussions in the R. A. see the Proceedings of the Assembly, October 1932, Pages 72-75, 88-91, 107-119.

For debates in the Legislative Council, see the Proceedings of the Council, December 1932, Pages 241-253, 280-315, June 1933, P. 30.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 24th November 1932, Part IV.

For the report of the Select Committee, see the *Mysore Gazette*, dated 11th May 1933, Part IV.

3. In section 11 of the said Regulation, add the following as sub-section (4):—

“(4) When the Registrar refuses approval to the making, alteration or abrogation of any bye-laws, an appeal shall lie to the Government within one month from the date of the communication by the Registrar of his refusal.”

Substitution
of a new sec-
tion for sec-
tion 13.

4. Substitute the following for section 13 of the said Regulation :—

“(1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes the Chairman shall have a casting vote.

“(2) No vote shall be given by proxy.

“(3) A registered society which has invested any part of its funds in the shares of another society may appoint any of its members not disqualified for appointment under any rules prescribed in that behalf to vote in the affairs of such other society.”

Amendment
of section 17.

5. Delete the words ‘inspection and enquiry’ from the marginal heading of section 17 of the said Regulation.

After the words ‘if any’ in line 2 of sub-section (2) insert the following :—

“the verification of cash balance and securities.”

Substitute the following for sub-section (3) :—

“(3) The Registrar or the person authorised by him under sub-section (1) shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

“(4) Every officer or member of the society shall furnish such information in regard to the transactions and working of the society as the Registrar or the person authorised by him under sub-section (1) may require.”

6. Substitute ‘Inquiry and inspection’ for the heading ‘Inspection of affairs’ above section 35 of the said Regulation.

Amendment
of section 35.

Delete the words “on the request of the Deputy Commissioner or” in line 2 of sub-section (1) of section 35

of the said Regulation : and in line 5, insert the words ' in accordance with the rules made ' between the words ' by order in writing ' and the words " in this behalf ."

Substitute the following for sub-section (2) of section 35 : —

"(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely—

"(a) He shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

"(b) He may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath.

"(c) (i) He may, notwithstanding any rule or by-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him. If the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.

"(ii) Any meeting called under clause (i) shall have all the powers of a general meeting called under the bye-laws of the society and its proceedings shall be regulated by such bye-laws.

"(iii) When an enquiry is made under this section, the Registrar shall communicate the result of the enquiry to the society concerned and to the financing bank, if any, to which the society is indebted."

7. Substitute the following for section 36 of the said Regulation :—

"(1) The Registrar may, on the application of a creditor of a registered society, inspect or direct some person authorised by him in this behalf by a general or special order in writing to inspect the books of the society and the Registrar or the person so authorised shall have

Substitution
of a new
section for
section 36.

Inspection of
books of
indebted
societies.

all the powers conferred by sub-clauses (a) and (b) of sub-section (2) of section 35, except the power to examine on oath.

“(2) No inspection shall be made or directed under sub-section (1) unless the creditor—

“(a) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

“(b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) When an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection to the creditor and to the financing bank, if any, to which the society is indebted.”

Addition of a new section 36-A.

Inspection of books by financing bank

8. Insert the following as section 36-A in the said Regulation :—

“36-A. A financing bank shall have the right to inspect the books of any registered society which is indebted to it. The inspection may be made either by an officer of the financing bank, or by a member of its paid staff certified by the Registrar as competent to undertake such inspection. The officer or member so inspecting shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may also call for such information, statements and returns as may be necessary to ascertain the financial condition of the society and the safety of the sums lent to it by the financing bank.”

Amendment of section 37.

9. Add the words “and inspection” to the marginal heading of section 37 of the said Regulation.

Insert the words “after giving the parties an opportunity to be heard” after the word ‘may’ in line 2 of the said section.

Addition of a new section 38-A.

10. Introduce the following as section 38-A in the said Regulation.—

“Supersession of Committee of Society.”

Supersession of Committee.

“If, in the opinion of the Registrar, the committee of any registered society is not functioning properly, he

may, after giving an opportunity to the committee to state its objections, if any, and after considering the objections raised, call upon the members of the society to appoint another committee in such time as may be fixed by him. If the members fail to appoint a committee which, in the opinion of the Registrar, is likely to function satisfactorily and the Registrar is of opinion that, in the circumstances of the case, it is undesirable to order the cancellation of the registration of the society, he may, by order in writing, dissolve the committee and appoint a suitable person or persons to manage the affairs of the society for a specified period not exceeding one year. The period specified in such order may, at the discretion of the Registrar, be extended from time to time, provided that such order shall not remain in force for more than two years in the aggregate.

“(2) The person or persons so appointed shall have power, subject to the control of the Registrar, to recover the assets and discharge the liabilities of the society and take such action as may be required in its interests.

“(3) The Registrar may fix the remuneration payable to the person or persons so appointed. The amount of such remuneration and other costs, if any, incurred in the management of the society shall be payable from its funds.

“(4) The person or persons so appointed shall, at the expiry of the period of his or their appointment, arrange for the constitution of a new committee in accordance with the bye-laws of the society.

“(5) Before taking action under sub-section (1) in respect of any society, the Registrar shall, if the society is indebted to a financing bank, consult such bank regarding such action and the provision to be made for the management of the affairs of the society.

“(6) Any member of the society may, within one month from the date of an order passed by the Registrar under sub-section (1), appeal from such order to the Government.

“(7) Nothing in this section shall be deemed to affect the powers of the Registrar to cancel the registration of the society under section 39.”

11. In section 39 of the said Regulation, add the words “or section 36-A” after the words and figures “under section 36,”

Amendment
of section 39.

Amendment.
of section 42.

12. Substitute the following for sub-section (1) of section 42 of the said Regulation :—

Winding up.

“42. (1) Where the Registrar has passed an order under section 39 or section 40 for the winding up of a co-operative society, he may forthwith appoint a competent person to be liquidator and fix his remuneration and such person, notwithstanding anything in section 39 relating to the time when the order for winding up shall take effect, shall have power to take immediate possession of all assets belonging to the society and of all books, records and other documents pertaining to the business thereof and to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.”

Insert the words “as soon as the order of winding up takes effect” after the word “shall” in line 2 of sub-section (2).

Delete sub-section (3) and re-number sub-sections (4), (5), and (6) as (3), (4) and (5) respectively.

Addition of
new sections
42-A and 42-B.

13. Introduce the following as sections 42-A and 42-B in the said Regulation.

Surcharge and Attachment.

Surcharge.

“42-A. (1) Wherein the course of an audit under section 17 or an enquiry under section 35 or an inspection under section 36 or the winding up of a society, it appears that any person who has taken part in the organization or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

“(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated on application

made by the party aggrieved within three months of the date of receipt of the order by him.

“(3) Any sum ordered under this section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Deputy Commissioner by the Registrar in the same manner as arrears of land revenue.

“(4) This section shall apply notwithstanding such person or officer may have incurred criminal liability by his act.”

“42-B. Where the Registrar is satisfied on the affidavit of the liquidator or otherwise that any person with intent to defeat or delay the execution of any order that may be passed against him under clause (b) of sub-section (2) of section 42 or under section 42-A,—

Attachment
of property.

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

The Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent civil court :

Provided, however, that if during the continuance of conditional attachment the party furnishes adequate security, the attachment so placed shall be withdrawn.”

14. Introduce the following as section 43-A in the said Regulation :—

Addition of a
new section
43-A.

“ Decision of disputes.”

“43-A. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society) arises—

Disputes.

(a) among members, past members and persons claiming through members, past members and deceased members, or

(b) between a member, past member or person claiming through a member, past member, or deceased member, and the society, its committee or any officer, agent or servant of the society, or

(c) between the society or its committee and any officer, agent or servant of the society, or

(d) between the society and any other registered society,
such dispute shall be referred to the Registrar for decision.

Explanation.—A claim by a registered society for any debt or demand due to it from a member, past member, or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the society within the meaning of this sub-section.

“(2) Subject to such rules as may be prescribed, the Registrar may on receipt of such reference—

(a) decide the dispute himself, or transfer it for disposal to any person who has been invested by the Government with powers in this behalf, or

(b) refer it for disposal to an arbitrator or arbitrators, or

(c) refer the parties to the civil court.

“(3) Subject to such rules as may be prescribed, the Registrar may withdraw any reference referred under clause (b) of sub-section (2) and deal with it in the manner provided in the said sub-section.

“(4) Where the Registrar is satisfied by affidavit or otherwise that a party to any reference made to him under sub-section (1), with intent to defeat or delay the execution of any decision that may be passed thereon—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary, and such attachment shall have the same effect as if it had been made by a competent civil court, provided, however, that if during the continuance of the conditional attachment, the party furnishes adequate security the attachment so placed shall be withdrawn.

“(5) Subject to such rules as may be prescribed,

(a) any party aggrieved by the award of an arbitrator or arbitrators or by an order of the person referred to in sub-section 2 (a), may appeal to the Registrar within one month from the date of such award or order; and

(b) any party aggrieved by an order of the Registrar deciding the dispute himself under sub-section 2 (a) may appeal to the Government within one month from the date of such order.

“(6) (a) Any decision passed by the Registrar or the Government under sub-section (5) shall be final and shall not be called in question in any civil or revenue court.

(b) Any decision passed under sub-section (2) by the Registrar or by the person to whom a dispute is transferred or by the arbitrator or arbitrators to whom a dispute is referred shall, save as otherwise provided in sub-section (5), be final and shall not be called in question in any civil or revenue court.”

15. Introduce the following as section 43-B in the said Regulation :—

Addition of
new section
43-B.

“43-B. Subject to such rules as may be prescribed, the Registrar or any person or arbitrator or arbitrators to whom a dispute is referred or transferred for disposal under section 43-A, or a liquidator appointed under section 42, shall in so far as such powers are necessary for carrying out the purposes of the said sections, have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means, and so far as may be, in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1911.”

Summoning
of witnesses.

16. Introduce the following as section 43-C in the said regulation :—

Addition of a
new section
43-C.

“43-C. (1) Every order passed by a liquidator under section 42 or by the Registrar or his nominee or arbitrators on disputes referred to him or them under section 43-A shall, if not carried out, be executed—

Money how
recovered.

(a) on a certificate signed by the Registrar or a liquidator, by any civil court in the same manner as a decree of such court, or

(b) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Deputy Commissioner and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar.

(2) When the property attached in execution of an order referred to in sub-section (1) cannot be sold for want

of buyers, the same may be handed over to a registered society with the previous consent of the Registrar on such terms and conditions as may be agreed upon between the Deputy Commissioner and the said society."

Addition of
new sections
43-D, 43-E,
43-F and
43-G.

17. Introduce the following as sections 43-D, 43-E, 43-F and 43-G in the said Regulation:—

" OFFENCES AND PENALTIES."

Offences

" 43-D. It shall be an offence under the Regulation if—

(a) a registered society or an officer or member thereof wilfully makes a false return, furnishes false information; or

(b) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation.

Punishment
for disposing
of property in
contravention
of section 19.

" 43-E. Any member or past member or the nominee, heir or legal representative of a deceased member contravening the provisions of section 19 by fraudulently disposing of any property in respect of which the society is entitled to claim priority under that section or fraudulently doing any other act to the prejudice of such claim, shall be punishable with fine not exceeding two hundred rupees."

Punishment
for offences
not otherwise
provided for.

" 43-F. Any registered society or any officer or member thereof or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees."

Cognisance of
offences.

" 43-G. (1) No court inferior to that of a Magistrate of the first class shall try any offence under this Regulation.

" (2) Every offence under this Regulation shall, for the purposes of the Code of Criminal Procedure, be deemed to be non-cognisable.

" No prosecution shall be instituted under this Regulation without the previous sanction of the Registrar. Such sanction shall not be given without giving the party concerned an opportunity to be heard."

18. Introduce the following as section 43-H in the said Regulation :—

Addition of a new section 43-H

“43-H.—The Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If, in any case, it shall appear to the Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit.”

Power of Government and Registrar to call for proceedings and to pass orders thereon.

19. (1) After clause (k) of sub-section (2) of section 44, add the following new clause as (kk) :—

Amendment of section 44.

“(kk) specify the class of persons to whom the power under section 35 may be delegated.”

(2) For clause (l) of sub-section (2) of section 44 of the said Regulation, substitute the following :—

“(l) provide for—

(i) the appointment of an arbitrator or arbitrators to decide disputes ;

(ii) the procedure to be followed in proceedings before the Registrar, arbitrator, or arbitrators, including the appointment of a guardian for a party to the dispute who is a minor, or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests;

(iii) the levy of the expenses incidental to such proceeding ; and

(iv) the enforcement of the decisions or awards in such proceedings ;”

20. Substitute the following for sub-section (1) of section 52 :—

Amendment of section 52.

“52. (1) “Co-operative Land Mortgage Bank” or “Bank” means a co-operative society formed primarily for granting loans on the mortgage of agricultural land for the liquidation of prior debts of agriculturists or for the improvement or better cultivation of agricultural land or formed for the purpose of financing such society.”

Delete sub-section (2) and re-number sub-section (3) as sub-section (2) of the said section.

21. Delete clauses (a) and (b) of section 53.

Amendment of section 53.

Delete the words "with the previous sanction of Government" and "the Board of Supervision" in clause (o) of the said section.

Amendment
of section 54.

22. For the words "one member" in line 5 of section 54 of the said Regulation, substitute "two members."

Delete the words "and one member to the Board of Supervision" in line 6 of the said section.

Amendment
of section 55.

23. Delete the words "and of the Board of Supervision" in lines 3 and 4 of section 55 of the said Regulation.

Amendment
of section 58.

24. In sub-section (2) of section 58 of the said Regulation, delete the words "for the redemption of subsisting mortgages or for the liquidation of other prior debts" in lines 1 and 2.

In sub-section 3, delete the words "for the improvement or the better cultivation of agricultural land or" in lines 2 and 3 and substitute "any" for "either" in line 4, and

for the figure and brackets "(2)" in line 5, substitute the figure, brackets and letters "(1)(a), (b) and (c)."

Amendment
of section 66.

25. Delete clause (a) and the words "and the Board of Supervision" in clause (d) of section 66 of the said Regulation.

Substitute the following for clause (c) of section 66 :—

"The mutual rights and obligations of primary Land Mortgage Banks and Central Land Mortgage Banks."

Re-number clauses (b), (c) and (d) as clauses (a), (b) and (c).

Amendment
of section 67.

26. In section 67 of the said Regulation, delete the words "and Local Land Mortgage Societies."

* REGULATION VII OF 1933.

RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE TWENTY-EIGHTH DAY OF JUNE 1933.

**A Regulation to make better provision for the manage-
ment of Municipal affairs in Cities in Mysore.**

WHEREAS it is expedient to make better provision for the management of municipal affairs in city municipalities in Mysore, it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be cited as the Mysore City Municipalities Regulation, 1933. Short title.
 - (2) It extends to the whole of Mysore. Local extent.
 - (3) It shall come into force on the first day of August 1933. Commence-
ment.
 2. On this Regulation coming into force, the enactments mentioned in Schedule A shall be repealed in so far as they relate to city municipalities. Repeal.
- Provided that—
- (a) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ; Saving
clause.
 - (b) all city municipalities constituted, municipal commissioners appointed, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the

* Published with Notification No. P. 295—Legis. 62-31-6, dated 17th July 1933.

For discussions in the Representative Assembly, see Proceedings of the Assembly, October 1931—pp. 124-127 ; 267-277.

For debates in the Legislative Council see Proceedings of the Council, December 1931—pp. 170-177 ; December 1932, pp. 200-237 ; June 1933, P. 24.

For the bill and statement of objects and reasons, see the *Mysore Gazette*, dated 26th May 1932 ; Part IV.

For the report of the Select Committee see the *Mysore Gazette*, dated 17th November 1932 ; Part IV.

said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to city municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpreta-
tion section.

3. In this Regulation and in the schedules, unless there be something repugnant in the subject or context—

(1) “Amildar” includes a “Deputy Amildar.”

(2) “annual letting value” shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon might reasonably be expected to let from year to year.

(3) “building” shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall include also walls, verandahs, fixed platforms, plinths, door-steps and the like.

(4) “councillor” shall mean any person legally a member of a municipal council.

(5) “dangerous disease” shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered.

(6) “judge” shall mean District Judge, Judge of a court of small causes, Subordinate Judge, or Munsiff.

(7) “land” shall include land which is built upon or covered with water.

(8) “municipal commissioner” shall mean a person appointed under the provisions of section 239 and shall include a person appointed to act as municipal commissioner under sub-section (3) of section 242.

(9) “municipal council” shall mean a city municipal council.

(10) “municipality” shall mean any local area which is at present a city municipality and any local area which may hereafter be constituted or declared as a city municipality under sections 4 and 5, if such municipality has not ceased to be a city municipality.

(11) “nuisance” shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

(12) "octroi" shall include a terminal tax.

(13) "official year" shall mean the year commencing on the first day of July.

(14) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(15) "prescribed" means prescribed by any rule made by the Government under this Regulation.

(16) "public securities" shall mean—

- (a) securities of the Government of India,
- (b) securities of the Government of Mysore,
- (c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or
- (d) a security expressly authorised by any order which the Government makes in this behalf.

(17) "public street" shall mean any street—

- (a) over which the public have a right of way, or
- (b) heretofore levelled, paved, metalled, channelled, sewerred or repaired, out of municipal or other public funds, or
- (c) which under the provisions of section 105 is declared by the municipal council to be, or under any other provisions of this Regulation, becomes a public street.

(18) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(19) "street" shall mean any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(20) "taluk" includes a sub-taluk.

(21) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation.

(22) "vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(23) "whole number" shall mean when used with reference to the councillors of a municipal council the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation
of city muni-
cipalities.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a city municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a city municipality.

Limits to be
specified in
notification.

(2) Every such notification constituting a new city municipality, or altering the limits of an existing city municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and
maintenance
of boundary

(3) It shall be the duty of the municipal council in every city municipality already existing and of every city

and of every city municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to its authority, as set forth in the notification.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Property and rights of municipal council which has ceased to exist to vest in Government.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any town municipality as defined in the Mysore Town Municipalities Regulation, 1933, which contains a population of not less than twenty-five thousand inhabitants shall, with effect from a date to be specified in the notification, be deemed to be a city municipality constituted under this Regulation and may at any time cancel such declaration.

Conversion of town municipalities into city municipalities.

(2) The provisions of the Mysore Town Municipalities Regulation, 1933, shall not apply to any municipality declared as a city municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued or imposed under the Mysore Town Municipalities Regulation, 1933, in respect of a municipality declared as a city municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, bye-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the city municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made or issued under this Regulation or such other law.

(4) Before any town municipality is constituted into a city municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a city municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be city municipalities.

6. (1) Any local area which comprises—

(a) a city, town or station or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(b) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a city municipality :

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a city municipality with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses ; or

(ii) to constitute any city municipality in any area of which the population is less than twenty-five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

City municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a city municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a city municipality, the Government shall cause to be published in the Official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area a city municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who

same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of . . ." and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution and incorporation of city municipal councils.

9. (1) Except as is hereinafter otherwise provided, every such municipal council shall consist of—

(a) elected councillors;

(b) nominated councillors, if any, that is to say, such persons as from time to time—

Municipal councils to consist of elected and nominated councillors.

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf, by the Government.

(2) The number of elected councillors shall not be less than four-fifths of the whole number of councillors; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

In specified proportions.

Provided that when a president appointed by the Government under clauses (c) and (d) of sub-section (2) of section 23 or when a president elected under clause (a) of the same sub-section is not a councillor, the four-fifths of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional

(3) Notwithstanding anything contained in sub-sections (1) and (2) above, the Government may direct that all the councillors shall be elected.

(4) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 16 or 17 may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Government.

10. The Government shall, from time to time, generally or specially, for each municipal council—

Government may determine the number of councillors; fix proportion of elected and nominated councillors.

(a) determine the number of councillors ;

(b) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated ;

(c) fix the number of councillors to be elected in the municipality and by the several constituencies, if any ; and

(d) issue orders for regulating the description, number and extent of constituencies for election of councillors.

Operation of lists.

11. (1) When in accordance with the rules made under clause (b) of sub-section (2) of section 228, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of three years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(a) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll ;

(b) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction ;

(c) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the quali-

error or omission in the election roll after affording the person affected an opportunity of being heard ;

(d) no change in the election roll shall be made under provisos (b) and (c) within one month preceding the date fixed for an election.

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Right to vote to depend on entry in roll.

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a by-election held before his term of office as councillor expires :

Enrolment in municipal election roll necessary for elected councillor.

Provided that if any company, body corporate or other association of individuals is enrolled in the municipal election roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a councillor.

Representative of associations.

(3) *Municipal Councillors.*

12. (1) (A) No person may be a councillor—

(a) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

General disqualifications for becoming a councillor.

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(iv) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(v) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 1933, or under section 14 of the Mysore Minor Municipalities Regulation, 1933, or

- (b) who is an undischarged insolvent, or
- (c) who is less than twenty-one years of age, or
- (d) who is a judge; and
- (B) no person,

(a) who is a subordinate officer or servant of a municipal council, or

(b) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(c) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal council.

Provided that—

(a) the disqualification in sub-clause (ii) of clause (A) (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(b) the disqualification in sub-clauses (i), (iii), (iv) and (v) of clause (A) (a) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(c) a person shall not be deemed to have incurred disqualification under clause (B) (b) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the

official year, such amount as the municipal council, with the sanction of the Government, may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf; or

(vii) being a party to any agreement made with the municipal council under the provisions of section 83 or of proviso (a) to sub-section (1) of section 187.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities
from
continuing a
councillor.

(a) becomes subject to any disqualification specified in sub-section (1), or

(b) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clause (i), (ii), (iii), (v) or (vii) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which is engaged at the time in any proceeding against the municipal council, or

(c) by becoming a salaried servant of Government causes the number of nominated councillors who are salaried servants of Government to exceed the proportion prescribed in sub-section (2) of section 9, or

(d) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(e) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) if any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving a notice in writing to that effect to the Government. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry, as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

15. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 226, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor

in whose place he is elected or appointed would have held it if the vacancy had not occurred.

17. In the event of a vacancy occurring by increasing the number of councillors in any municipal council under clause (a) of section 10, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the Official Gazette.

Casual vacancies occurring by increasing the number of councillors.

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Re-eligibility of councillors.

19. The names of all councillors finally elected to any municipal council as well as the names of the nominated councillors, if any, appointed thereto, and the names of all elected or appointed presidents and vice-presidents shall be published, as soon as conveniently may be, in the Official Gazette.

Publication of names of councillors and presidents and vice-presidents in the Official Gazette.

(4) *Municipal Elections.*

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (a) of sub-section (2) of section 23, any candidate who stood for election or any ten persons qualified to vote at that election may apply, together with a deposit of one hundred rupees as security for costs to the District Judge of the district within which the election has been or should have been held for the determination of the validity of the election.

Determination of validity of elections; enquiry by Judge; Procedure.

(2) The District Judge or such other judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion if any, of the costs as is in excess of the paid sum at the time

of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the judge, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the judge sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration
in case of
corrupt prac-
tice by a
candidate.

(3) (a) The judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of
votes and
declaration
in other cases.

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a
corrupt
practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate
when deemed
to have com-
mitted cor-
rupt practice,

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

EXPLANATION.—A “promise of individual profit” includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Promise of individual profit.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (b) of sub-section (2) of section 228 or clause (a) of sub-section (2) of section 23 or of an irregularity or informality not corruptly caused, the judge shall not set aside the election.

Mere irregularities and informalities not to invalidate election.

EXPLANATION.—The expression ‘error’ in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of election has been materially effected.

(6) If the judge sets aside an election under clause (a) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, for a term of years not exceeding seven and the judge’s decision shall be conclusive :

Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made. Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

Bar of suits relating to elections, etc.

(5) *Municipal Government.*

22. (1) Except as in this Regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council.

Municipal Government to vest in the municipal council.

(2) In a municipality for which there is a municipal commissioner, the executive power for the purpose of carrying out the provisions of this Regulation vests in the municipal commissioner, subject, wherever it is in this Regulation expressly so directed, to the approval or sanction of the municipal council and subject also to all other restrictions, limitations and conditions imposed by this Regulation.

(6) *Presidents and Vice-Presidents.*

Every municipal council to have a president and if the municipal council so desires, a vice-president.

President to be appointed or elected.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

(2) The president may be—

(a) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf, or

(b) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(c) appointed by the Government by name, or

(d) appointed by the Government *ex-officio* that is, to say, as executing the functions of any office which, the Government from time to time, notifies in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (d) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Salaried servants of Government ineligible for election.

(5) No salaried servant of the Government shall be eligible for election as president or as vice-president of any municipal council, and the election of any such servant in contravention of the provisions of this sub-section shall be void. If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being, shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the president.

When Deputy Commissioner may perform functions of president.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted—

Consequence of absence of president or vice-president without leave.

(a) by the Government in the case of a president appointed by the Government,

(b) by the municipal council in other cases.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (a) or (b) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (c) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor or thereto.

Limit of grant of leave and arrangements during leave.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Vacation of office by vice-president on becoming president. Vacation of office by president and vice-president for want of confidence.

(10) Every president, other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office ;

(a) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose ; or

(b) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other.

Removal of
presidents
and vice-
presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

EXPLANATION.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of
office of
president and
vice-presi-
dent.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor :

Provided that in the case of elected presidents or vice-presidents or both the Government may, in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year.

Vacancies in
their office
how to
be filled up.

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Remunera-
tion of pre-
sident and
vice-presi-
dent of
municipal
council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipa

fund with the sanction of the Government salary or allowances to any Government officer who is appointed as president.

24. (1) Subject to the provisions of chapters XIII and XIV, it shall be the duty of the president of a municipal council to—

Functions of presidents.

(a) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (a) of section 49, to regulate the conduct of business at such meetings ;

(b) watch over the financial and executive administration of the municipal council ;

(c) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation ;

(d) subject to the provision of section 38 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides ;

(e) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council ; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ;

(f) furnish to the Government a copy of every resolution passed at any meeting of the municipal council ; and

(g) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 216.

(2) In a municipality for which there is neither a chief officer, nor a municipal commissioner, the president shall, notwithstanding anything contained in chapters XIII and XIV and independently of such executive functions as are allotted to him by or delegated to him under any other provision of this Regulation, exercise all the powers that may be exercised by a municipal commissioner in the municipality and the provisions of section 247 shall be applicable to every disobedience or failure to comply with a lawful direction given by the president in

exercise of such powers as if he were the municipal commissioner for the municipality.

Channel
of communi-
cation with
Government.

(3) All correspondence between a municipal council and the Government shall be conducted through the president. The president shall without delay transmit all communications addressed through him by the municipal commissioner to the Government or by the Government to the municipal commissioner.

Custody of
records.

25. In a municipality for which there is a municipal commissioner, the municipal commissioner, and in every other municipality the president, shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council, the managing committee and other committees and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of
vice-presi-
dents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deposes to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (a) of sub-section (1) of section 24 ; and

(b) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner has been appointed *ex-officio* president of a municipal council, notwithstanding anything contained in section 9 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

CONDUCT OF BUSINESS.

(1) *Municipal Meetings.*

27. The following provisions shall be observed with respect to the meetings of a municipal council :—

Provisions in regard to meetings of a municipal council.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Ordinary general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Special general meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting :

Notice to be given of meetings.

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Regulation.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Municipal meetings to be held at municipal office.

Meeting how
presided
over in the
absence of
the president
and vice-
president.

Meeting must
ordinarily be
open to the
public.

Number of
councillors
required to
form a
quorum.

Business to
be transacted
at meetings,
and order of
business how
to be settled.

Minutes of
proceedings
to be kept.

(5) Every meeting shall in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (a) of sub-section (1) of section 24.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should be held in private, provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(9) There shall be kept in English, and if the municipal council so resolves in Kannada also, minutes of the names

of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (a) of section 49.

All questions must be decided by a majority of votes.

(11) No councillor shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Councillor not to vote on questions in which he has pecuniary interest.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Adjournments of meetings.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of municipal councils.

(16) (a) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

Municipal council may require the presence of certain of the said officers at their meetings.

(b) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

EXPLANATION.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

28. (1) A municipal commissioner shall have the same right of being present at a meeting of the municipal council or the managing or other committee and of taking part in the discussion thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

Right of municipal commissioner to be present and to speak at municipal meetings.

(2) The municipal commissioner shall attend any meeting of the municipal council or of the managing or other committee if required to do so by the president.

29. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

Rights and privileges of individual councillors and president

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the municipal commissioner, when there is one, and in other cases to the president, provided that the municipal commissioner or the president may for reasons given in writing forbid such access. The councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final.

(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipal council and the municipal commissioner shall comply without unreasonable delay with any requisition of the president for any information appertaining to the municipal administration.

(2) *Committees.*

30. (1) For every municipal council there shall be a committee called the managing committee, consisting of the president and such number of councillors not exceeding eight or less than two as may have been elected for a period not exceeding one year, in accordance with rules under clause (a) of section 49.

Managing Committee.

**Powers of
managing
committees.**

(2) The managing committee shall, subject,

- (i) to any limitations prescribed by the municipal council specially in this behalf and generally by rules made under clause (a) of section 49; and
- (ii) to the provisions of chapters XIII and XIV, exercise all the powers of the municipal council:

Provided that no managing committee shall exercise any powers with which any committee appointed under section 31 is vested.

31. The municipal council may constitute in addition to the managing committee constituted under section 30, any other committee for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to enquire into and report on any matters which it may refer to them.

32. Notwithstanding anything contained in this Regulation, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than half of the whole number of councillors, to appoint members of any committee under section 31, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Notwithstanding the provisions of this Regulation relating to the powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

33. A vacancy occurring in a managing committee shall be filled up as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a person thereunto subject to the same provisions as those which apply to the member whose place is to be filled up was.

A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee.

34. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof. When chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman. When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall at each meeting which such chairman does not attend appoint from its members a chairman for such meeting. When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members. If there is no chairman, *ex-officio* or appointed by the municipal council.

35. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (a) of sub-section (16) of section 27, there were substituted the word "committee." Procedure at meetings.

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee. Committees shall meet when they think proper

Number of members required to form quorum at committee meetings.
Procedure by circular.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Propositions when to be sent to Government officers for remarks.

36. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government Officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (b) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council, and compliance with requisitions of municipal council.

37. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee, has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 30 or 31 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

(3) *Delegation of powers to individuals.*

Powers, duties and functions may be delegated to officers whose expenses may be paid.

38. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or

more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under chapter XIII or on any committee by or under section 30 or 31; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein:

Provided that in a municipality for which there is a municipal commissioner the powers or duties or executive functions under this Regulation or under any rule or by-law made hereunder conferred or imposed upon or vested in the municipal commissioner shall not be delegated save as provided in section 250.

(4) *Validity of Proceedings.*

39. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

No resolution of a municipal council or of any committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Proceedings of meetings to be good and valid, until the contrary is proved.

(3) During any vacancy in a municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

Vacancy not to affect municipal council's proceedings

(5) *Joint transactions with other Bodies.*

Joint committees of two or more municipal councils.

40. A municipal council may from time to time join with any other municipal council constituted under this Regulation or under the Mysore Town Municipalities Regulation, 1933, or the Mysore Minor Municipalities Regulation, 1933, or with any district board, or with more than one such municipal council or board,

- (i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee;
- (ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and
- (iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

41. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding two thousand rupees in value the previous sanction of the Government is required.

(3) In the case —

(a) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

Sanction by resolution at general meeting requisite to validity of certain contracts.

(b) of every contract which will involve expenditure not covered by a budget grant,

(c) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds two thousand rupees, the sanction of the municipal council is required.

Sanction of municipal council where requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds fifteen thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Sanction by committees and individuals empowered.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Mode of executing contracts.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 57 and chapters XIII and XIV.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

42. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work ; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory acquisition of land.*

Acquisition of land.

43. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

44. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council ; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president, members, and officers for loss, waste or misapplication.

(2) Every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the municipal commissioner, the chief officer, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall

be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

45. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Effect of acquiring such interest.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (i), (ii) and (iv) of clause (c) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Saving clause.

46. (a) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

(b) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council or which he is an officer or servant, not being a share or interest such as under sub-clauses (i), (ii) and (iv) of clause (c) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor, shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

47. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Notice to sweepers and scavengers before discharge.

Penalty for withdrawal of sweepers and scavengers without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

48. (1) Every municipal councillor, officer or servant, every auditor appointed under section 207 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee, and every auditor shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BY-LAWS.

Municipal councils to make rules.

49. Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 228 and may from time to time alter or rescind them—

Regulating the conduct of business.

(a) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the functions of the president and the establishment.

(b) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the chief officer or the municipal commissioner and the delegation of any of its powers or duties to such persons;

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other

allowances of such officers and servants and the powers and duties delegated to them under section 38 ;

(c) generally for the guidance of its officers and servants in all matters relating to the municipal administration ;

For general guidance of municipal servants ;

(d) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security ;

Fixing the amount of the security to be furnished ;

(e) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint fine, reduce, suspend or dismiss any officer or servant ;

Determining mode of appointing, etc., municipal servants ; delegating power to appoint, etc.

(f) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave ;

Granting leave to municipal servants ;

(g) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants ;

Contributing to provident funds.

(h) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the limits of the charges or payments to be fixed in lieu of any tax under section 83, and the fees to be charged for licenses or permissions granted under section 82, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 97 shall be held ;

Prescribing the taxes, etc., to be levied for municipal purposes.

(i) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted.

For writing off amounts due and remitting fees ;

Provided that—

Approval
required to
rules.

(i) no rule made or any alteration or rescission of a rule made by a municipal council under this section shall have effect unless and until it has been approved by the Government,

(ii) that no municipal council shall, except with the assent of the Government dispense with the services of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dismiss from the service of the municipal council any officer transferred from the service of the municipal council to the service of the Government.

Power to
suspend,
reduce or
abolish any
existing tax.

50. (1) Subject to the requirements of proviso (i) to section 49, every municipal council may, except as otherwise provided in clause (b) of the proviso to section 86, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Power to
make by-
laws.

51. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Regulation—

For markets,
and slaughter
houses, etc.

(a) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; for regulating the sale of fruit and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For licensing,
regulating
and inspect-
ing certain
businesses.

(b) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables;

- (iii) for any of the purposes mentioned in section 181 ;
- (iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters ;
- (v) as a place for the preparation or manufacture of oil ;
- (vi) for parching grain or bengal gram on a large scale ; or
- (vii) for any other purpose for which the taking out of a license is or may be prescribed ;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

(c) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health ;

Regulating the stalling of cattle, etc.

(d) (i) for the inspection of milch-cattle ; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

For regulating dairies and cattle-sheds.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter ;

Milk-stores, etc.,

(e) for the inspection of instruments for weighing and weights and measures under section 173 ;

For inspection of weights and measures.

(f) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective ;

For registration of births, etc.,

(g) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of

Regulating the disposal of the dead.

the community entitled to the use of such places for the disposal of the dead ;

For enforcing information as to epidemics.

(h) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 174, 175 and 177 ;

For enforcing information as to liability to municipal taxation.

(i) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein ;

(j) for the numbering and registration of any vehicle liable to taxation under this Regulation ;

Octroi by-laws.

(k) fixing octroi limits and stations ; providing for the exhibition of tables of octroi requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn ; regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality ; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made ;

Terminal Tax

(l) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax ;

For protecting water.

(m) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality ; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not ;

EXPLANATION.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(n) regulating the use of public bathing and washing places within municipal limits ;

For conservancy,

(o) regulating sanitation and conservancy ;

(p) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (c) of section 61 ;

For constructing houses, for the poor.

(q) regulating the disposal of carcasses of dead animals ;

For the disposal of carcasses.

(r) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health ;

Regulating structures and buildings.

(s) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose.

For regulating construction or use of buildings.

(t) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets ;

For providing for streets.

(u) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ;

For ensuring ventilation.

(v) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess-pools, water-closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not ;

Control of drains.

(w) determining the information and plans to be required by the municipal council under sections 107 and 115 ;

Requiring information and plans in certain cases.

(x) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street ; prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except

For controlling unwieldy traffic.

under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws ;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street ;

Public parks.

(y) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;

Requiring
qualified
surveyors
and plumbers.

(z) prescribing the qualifications of surveyors or persons by whom plans required under section 115 are to be prepared or of plumbers ; for licensing persons to be surveyors or plumbers and fixing the fees chargeable for such licenses ; and for modifying the provisions of, or revoking such licenses ; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons ;

For licensing
factories, the
use of steam
whistles, etc.

(aa) prescribing the conditions on or subject to which and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory as defined in the Mysore Factories Regulation, 1914, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed ;

General

(ab) generally for the regulation of all matters relating to municipal administration.

Fine may be
imposed for
infringe-
ment of
by-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed by-laws.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Objections and suggestions to be submitted to Government.

52. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in English as well as in Kannada shall be kept on sale at cost price.

Rules and by-laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

53. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Power to acquire and hold property.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation; that is to say—

Property vested in the municipal council.

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots ;

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines,

works; materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(d) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(e) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(f) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to
Government
to resume
property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal
fund.

54. All money received by or on behalf of the municipal council by virtue of this or any other Regulation; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Regulation; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section;

Provision as
to special
trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Application
of municipal
fund and
property.

55. The municipal fund and all property held by or vested in the municipal council under this Regulation shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the

previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interest.

56. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Power to deposit and invest surplus funds.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Surplus not so deposited or invested how to be dealt with.

57. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.

Power of municipal councils to borrow money.

CHAPTER VI.

OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPAL COUNCILS.

58. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

Duties of municipal councils.

(a) lighting public streets, places and buildings ;

(b) watering public streets and places ;

(c) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation and abating all public nuisances ;

(d) extinguishing fires, and protecting life and property when fires occur ;

(e) regulating or abating offensive or dangerous trades or practices ;

(f) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(g) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;

(h) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;

(k) naming streets and numbering houses ;

(l) registering births and deaths ;

(m) public vaccination ;

(n) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph ;

(o) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(p) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 149 of this Regulation.

(q) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits ;

(r) housing and maintaining destitute orphans and destitute cripples ;

(s) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit ;

(t) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Regulation or for the protection of any municipal property, and

providing such accommodation as may be required by the Government under the law in force relating to police.

59. Subject to such reasonable provision as is mentioned in section 58, every municipal council shall make reasonable provision for the following special matters, namely :—

Special duties.

(a) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease ;

(b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

60. Notwithstanding anything contained in sections 58 and 59, the Government may exempt any municipal council from any of the provisions of those sections or may declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 61.

Power of Government to exempt municipal council from any of the duties.

61. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

Discretionary powers of expenditure of municipal council.

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets ;

(b) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings ;

(c) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith ;

(d) on such terms and conditions as the Government approves, the promotion, formation, extension or assistance of

(1) a co-operative society for the benefit of municipal employees ; or

(2) any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes

by any or all of the following means :—

(i) the acquisition of land with a view to selling or leasing the same to such society ; or

(ii) the making of grants or loans thereto ; or
 (iii) subscription for any share capital therein ; or
 (iv) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued thereby ;

(e) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf ;

(f) granting loans to encourage local arts and industries ;

(g) planting and maintaining roadside and other trees ;

(h) taking a census ; and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(i) making a survey ;

(j) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 181 ;

(k) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council ;

(l) establishing and maintaining a farm or factory for the disposal of sewage ;

(m) providing music for the people ;

(n) the establishment and maintenance of dairy farms ;

(o) with the sanction of the Government, the construction, purchase, organisation, maintenance or management of—

(i) light railways and tramways, or

(ii) motor or other transport facilities for the carriage of the public,

or guaranteeing the payment from the municipal fund of such sums as the municipal council shall think fit as interest on capital expended by the Government or a company for the aforesaid purposes ;

or granting loans for providing capital for any of the said purposes ;

(p) the maintenance of an ambulance service ;

(q) the promotion of public health or infant welfare ;

(r) contribution towards any public fund raised for the relief of human suffering within or without the municipality ;

(s) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors,

and with the previous sanction of the Government, any public reception, ceremony, entertainment or exhibition within the municipality; and

(t) the organisation or maintenance during scarcity of shops or stalls for the sale of necessities of life ;

(u) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the municipal council by the votes of not less than one-half of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

62. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Arrangements purporting to be binding permanently or for a term of years.

63. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

Management of public institutions maintained by municipal councils to vest in it.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of taxes.*

64. Any municipal council—

(a) after observing the preliminary procedure required by section 65, and

(b) with the sanction of the Government, and subject to such modifications or conditions as under section 66 the Government in according such sanction deems fit, may impose, for the purposes of this Regulation, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI, that is to say,

Taxes which may be imposed.

(i) a rate on buildings or lands or both situated within the municipality ;

(ii) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ;

(iii) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;

(iv) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein ;

(v) a terminal tax on goods imported or exported from the terminal tax limits :

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time ;

(vi) a tax on dogs kept within the said municipality ;

(vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(viii) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse ;

(ix) a water rate or water rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(x) a lighting tax ;

(xi) a tax on arts, professions, trades and callings, and on offices and appointments ;

(xii) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession ;

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (xi) in respect of the business or professions carried on in the shop or place ;

(xiii) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (a) of section 65.

Provided that—

(a) no tax imposed as aforesaid other than a special sanitary cess or water rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(b) (i) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja;

(ii) in respect of all other buildings owned by the Palace and used as rent-free residences, no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water rate, if any, which shall be recoverable from the occupants thereof;

(c) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(d) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Regulation;

(e) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force or the police force of the Civil and Military Station, Bangalore, for the performance of their official duties;

(f) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess ;

(g) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure.
preliminary
to imposing

65. A municipal council before imposing a tax shall observe the following preliminary procedure :--

(a) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 64 and prepare rules for the purposes of clause (h) of section 49, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make ;

(ii) the amount or rate at which the municipal council proposes to assess each such class ;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed ;

(iv) all other matters which the Government may require to be specified therein.

(b) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(c) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the municipal council ; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon ; and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

66. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

Power to sanction, modify and impose conditions.

- (a) without modification, or
- (b) subject

- (i) to such modifications not involving an increase of the amount to be imposed or,
- (ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

67. All rules sanctioned under section 66 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 66 the sanction was given :

Publication of sanctioned rules with notice.

Provided that—

- (a) a tax leviable by the year

- (i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the 1st day of January—the first day of April—in the official year in which such notice is published, and
- (ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,

(b) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 49, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and liability to rates.*

Appointment
of assessor.

68. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both, the municipal council shall with the previous sanction of the Government, appoint an assessor.

(2) The municipal council may also assign to the assessor any other work which in its opinion he can perform without prejudice to his duties as assessor.

Preparation
of an assess-
ment list.

69. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual letting value or other valuation on which the property is assessed; and
- (e) the amount of the tax assessed thereon.

Power to
inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to
be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

- (a) as to the name and place of abode or the owner or occupier or of both;
- (b) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person pri-
marily liable
for a rate on
buildings or
lands or both
how to be
designated if
his name can-
not be as-
certained.

70. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Regulation, "the holder" of such premises, without further description.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Occupier liable for a rate on buildings or lands or both until he gives information.

71. When the assessment list has been completed, the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessment list. 7

72. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Public notice of time fixed for revising assessment list.

(2) In a municipality for which there is a municipal commissioner, such municipal commissioner and elsewhere the managing committee or any committee or committees to which the municipal council delegates the powers and functions of the managing committee in this behalf or any officer of the Government to whom with the permission of the Government the municipal council delegates, and it is hereby empowered to delegate, the powers and functions of the managing committee in this behalf, shall be the revising authority to whom objections under sub-section (1) may be made.

Revising authority.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Objections how to be made.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

Hearing of objections.

- (a) investigate and dispose of the objections,
- (b) cause the result thereof to be noted in the book kept under sub-section (3), and

(c) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) From every order of the municipal commissioner under sub-section (4), there shall be an appeal in accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37.

Authenti-
cation of list.

(6) When all objections made under this section and appeals under sub-section (5), have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Custody and
inspection of
list.

(7) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Authenticat-
ed list how
far conclusive

(8) Subject—

(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(b) to the result of any appeal made under section 101,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment
of assessment
list.

73. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 72, shall be dealt with in all respects as if it were an application under the said section.

Objections
how dealt-
with.

(3) An entry or alteration made under this section shall, subject to the provisions of section 101, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

Effect of
amendment.

74. (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the municipal council, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the municipal council.

Notice to be
given to the
municipal
council of
demolition
or removal
of a building.

(2) Until such notice is given, the person aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

75. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

New assess-
ment list need
no the pre-
pared every
year.

(2) But the provisions of sections 71, 72 and 73 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

76. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the

Tax from
whom
primarily
leviable.

said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely :

- (a) if the property is let from the lessor ;
- (b) if the property is sublet from the superior lessor ;
- (c) if the property is unlet from the person in whom the right to let the same vests :

Recovery
from
occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due, the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater.

Remedy of
occupier in
such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be
given to
municipal
council of all
transfers of
title by
persons
primarily
liable to pay-
ment of taxes
on buildings
or lands.

77. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of
notice.

78. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Regulation, 1903.

79. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Name of transferee to be substituted in the municipal registers.

80. (1) Every person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 102 for the recovery of the taxes due thereupon.

81. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be :

Remission of tax in case of vacancies; when obligatory.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) When any such building or land as aforesaid—

When discretionary.

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge fees.*

Municipal council may charge fees for certain license.

82. (1) When any license is granted by the municipal council under this Regulation, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such license or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Regulation or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of section 51 for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

83. (1) The municipal council may, instead of imposing a water-rate, or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipal council to, or for use in connection with, any private lands or buildings,

Fixed charges and agreements for payment in lieu of taxes for water supplied.

(a) fix at rates not exceeding such as shall be specified in the rules in force under section 49, charges for such supply according to the quantity used as ascertained by measurement.

(b) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the municipal council in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as it shall fix by agreement with such person.

Provided that—

(a) the meter, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the municipal council, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the municipal council, be defrayed by the persons liable in respect of such supplies, and

(b) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 51.

(2) When the municipal council has made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either,

Power to fix a special rate in lieu of special sanitary cess.

(i) in accordance with the rules for the time being in force under section 49, or

(ii) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the

probable cost to the municipal council of the service to be rendered.

Power to compound tax on vehicles or animals.

(3) When the municipal council has imposed a tax on vehicles or animals used for riding, draught or burden and kept within the municipality for use, it may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lumpsum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Composition of toll.

(4) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Recovery of sums claimed under this section.

(5) Every sum claimed by the municipal council as due under sub-section (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-sections (3), and (4) shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Certain rights not affected by section 83.

84. Nothing contained in section 83 shall affect the right or powers of the municipal council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the municipal council may think fit, any quantity of water belonging to the municipal council but not required for the purposes of this Regulation.

Power of Government to suspend or prohibit levy of objectionable taxes.

85. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the

period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

86. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 219 or under section 221 or for the performance of any duties in respect of which it shall have been declared under section 224 to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 64 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 65 :

Power of Government to require municipal council to impose taxes.

Provided that—

(a) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(b) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(c) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

87. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (k) of sub-section (1) of section 51, after observing the requirements of sub-sections (2) and (3) of that section.

Octroi by-laws to be submitted with proposal for imposition of octroi.

Power to
examine
articles liable
to octroi.

88. (1) Every person bringing into, or receiving from beyond the octroi limits of a municipality any article on which octroi is payable, shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(a) permit that officer to inspect, examine and weigh and otherwise deal with the article ; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to
search where
octroi is
leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation
of bills for
octroi.

89. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for
evasion of
octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for
selling arti-
cles liable to
octroi with-
out a license
or for being
in possession
of any such
article on

90. (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a magistrate, to a fine not exceeding ten times the octroi due on all the articles

so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater; and

which octroi has not been paid.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any such article not exceeding two hundred rupees in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section.

Searches and arrests to be governed by the provisions of the Criminal Procedure Code.

91. Every municipal council imposing any toll under this Regulation shall cause to be kept at each place, where such toll is to be collected, a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Tables of tolls to be shown on demand.

92. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII.

Power to seize vehicle on non-payment of octroi or toll.

Notice of sale

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

93. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls.

94. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be

imposed under this Regulation by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 92 ; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

95. (1) When any amount—

Presentation
of bill for
taxes.

- (a) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or
- (b) which, not being leviable under sub-section (1) of section 92, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

(2) Every such bill shall specify—

Contents of
bill.

- (a) the period for which, and
- (b) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

- (i) the liability incurred in default of payment, and of
- (ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented, a notice of demand in the form of schedule X, or to the like effect.

If bill not
paid within
fifteen days,
notice of
demand to
issue.

In what cases
warrant may
issue.

96. (1) If the person on whom a notice of demand has been served under section 95, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(a) pay the sum demanded in the notice, or
(b) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, or of the municipal commissioner, if any, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 101 against the demand, such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by
whom to be
signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by an officer to whom the municipal council has delegated its powers under section 38 or by the chief officer, or by the municipal commissioner, if any.

To whom the
warrant
should be
addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, or in a place which is not a municipality constituted under the aforesaid Regulations, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the taluk as the case may be ; provided that such president or Amildar may endorse such warrant to a subordinate officer.

Power of
entry under
special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance. Provided that such officer shall not enter or break open the door of any

apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

Warrant
how to be
executed.

(a) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(c) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of schedule XII.

97. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of goods
distrained in
special cases.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the

Sale of pro-
perty dis-
trained;
application
of proceeds
of sale.

warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if
any, how
dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint, but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

Distraint
and sale
outside the
municipality.

98. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 97.

Summary
proceedings
may be
taken against
persons about
to leave the
municipality.

99. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

100. Fees for—

Fees and
costs
chargeable.

(a) every notice issued under sub-section (3) of section 95,

(b) every distress made under sub-section (5) of section 96, and

(c) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 97.

101. (1) Appeals against any notice of demand issued under sub-section (3) of section 95, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried. Appeal to magistrates.

But no such appeal shall be heard and determined unless—

(a) the appeal is brought within one month next after service of the notice of demand complained of; and

(b) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say :

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council as the case may be, within the time fixed in the notice given under section 72 or 73 of the assessment or alteration thereof, according to which the bill is prepared ;

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 95 to the municipal council within fifteen days next after the presentation of such bill ; and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie. Revision of decisions on appeal.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

102. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 76, shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes : Liability of land, buildings, etc., for rates.

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Receipts to
be given for
all payments.

103. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(I) Powers in respect of streets.

Power
regarding
streets, etc.

104. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and subject to the provisions of sub-section (2) of section 41, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 41, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Power to
require repair
of streets;

105. (1) When the municipal council considers that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal council may by written notice require the respective owners of the lands or buildings fronting,

adjoining or abutting upon such street or part thereof, to carry out such work in any manner and within a time to be specified in such notice.

(1) After such work has been carried out by such owners or, as provided in section 187 by the municipal council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the municipal council, to be a public street.

and to declare such streets public.

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipal council as provided in section 187, the expenses thereby incurred shall be apportioned by the municipal council, between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

(4) A municipal council may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipal council give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street, lodges or lodge objections thereto at the municipal office, the municipal council may, by notice in writing put up in such street, or such parts, declare the same to be a public street.

Power to declare any street a public street subject to objections by the owners.

106. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any of the purposes of this Regulation.

Temporary closure of streets.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

107. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the municipal council, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the municipal council to do so and the level, means of drainage, direction and width of every such street shall be fixed or approved by the municipal council.

New streets.

(2) Before passing orders under sub-section (1), the municipal council may either issue—

Power of
municipal
council to
pass orders.

(a) a provisional order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) a demand for further particulars.

(3) If—

Right to
proceed in
certain cases.

(a) within one month from the receipt of the notice given under sub-section (1), the municipal council has neither

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particulars, or if

(b) the municipal council, having issued such demand for, and having received, in accordance with the demand and with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars, then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder.

Penalty.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (1), or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the municipal council, or in any manner contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may cause any street so laid out or made to be altered, and any building erected in such street contrary to its directions to be altered or removed, and the expense thereby incurred shall be paid to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

108. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

The regular
line of public
street.

Provided that—

(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the Official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment ;

(b) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice ; and

(c) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) (a) Except under the provisions of section 135, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 115.

(b) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(c) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 191 shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (b) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (b).

(4) Whoever contravenes the provisions of subsection (3) shall be punished with fine which may extend to two hundred rupees ; and the municipal council may—

(a) direct that the building be stopped, and

(b) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back
projecting
buildings.

109. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 108, or beyond the front of the building on either side thereof, the municipal council may,—

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition
of land
which is
within the
regular line
of a street
and open or
occupied only
by platforms,
etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same ; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 141 applies.

Compensation payable by the municipal council.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 141, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

110. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Setting forward to regular line of street.

111. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

Buildings at corner of streets.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

112. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Roofs and external walls of buildings not to be made of inflammable materials.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether

Power to require removal of roof and wall if inflammable.

such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the municipal council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

113. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the municipal council.

Rat-proof building for warehouse for storing grain.

114. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Notice of new buildings.

115. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 109 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 108 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing, and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

(2) Save as otherwise provided in this Regulation or the rules and by-laws thereunder, the municipal council may—

Power of
municipal
council to
pass orders.

(a) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(b) impose in writing conditions, in accordance with this Regulation and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(c) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (c)—

(i) shall apply only to buildings on sites not laid out by the municipal council or other competent authority ; and

(ii) shall not be in force after six months from the date on which the direction is given.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

Or to suspend the work or to require further particulars.

(a) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) may demand further particulars.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say :—

Right to proceed in certain cases.

(a) in case the municipal council within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars ;

(b) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4) without awaiting, or in any manner contrary to such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may—

(a) direct that the building, alteration, or addition be stopped, and

(b) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause any thing done contrary to any such provision or by-law to be amended,

or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression “to erect a building” throughout this chapter includes—

- (a) any material alteration, enlargement or reconstruction of any building,
- (b) the conversion into a place as human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and
- (f) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter, be deemed to be a new building.

116. (1) Notwithstanding anything contained in section 109, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf ;

Power of Government to prohibit the erection of buildings in certain area without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification ;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of
huts.

117. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improve-
ment of
huts.

118. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason—

(a) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(b) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(c) of the impracticability of scavenging, attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same.

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 191.

(3) Powers connected with drainage, water works, etc.

119. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council. Municipal control over drains, etc.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

120. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality. Powers for making drains.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient
drainage of
houses.

121. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(b) a covered cesspool to be provided by such owner.

New build-
ings not to
be erected
without
drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(a) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building ;

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building ; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

122. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

123. Whenever it is provided in this Regulation that steps shall or may be taken for the effectual drainage of any premises, the municipal council may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted subsoil water, each emptying into separate municipal drains or other places set apart by the municipal council for the discharge of drainage or into other suitable places.

Sewage and rain-water drains to be distinct.

124. (1) If the owner or occupier of any building or land proves to the satisfaction of the municipal council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, the municipal council, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in its opinion insufficient, by an order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to it to be adequate and equitable.

Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by municipal council.

(2) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset,

Written order of municipal council authority for execution of necessary work.

and, subject to all the provisions of this Regulation, to do all such work as may be necessary—

(a) for the construction or connection of the drain as may be authorised by the said order, or

(b) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how
to be carried
out,

125. In executing any work under section 124, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall

(a) cause the work to be executed with the least practicable delay ;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work ; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

Rights of
owner of land
through
which drain
is carried,
in regard to
subsequent
building
thereon.

126. If the owner of any land into, through or under which a drain has been carried under section 124 whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the municipal council may, if it sanctions the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building ; and may also, by written notice require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the municipal council may deem to be necessary for the maintenance of the drainage connection.

Provision of
privies, etc.,

127. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written

notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

128. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

Cost of altering, repairing and keeping in proper order privies, etc.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

129. When any building or land within the municipality has a drain communicating with any cesspool or sewer, the municipal council, if it considers that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the municipal council, on providing a drain or drains equally effectual for the drainage of such building or land, and the municipal council may do any work necessary for the purpose.

Power to close existing private drains.

Power in
respect of
sewers, etc.,
unauthori-
sedly con-
structed,
re-built or
un-stopped.

130. The municipal council may by written notice require that any sewer, drain, privy, water-closet, housegully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(a) after such land became part of a municipality,
and

(b) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet housegully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroach-
ment on
municipal
drains, etc.

131. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as it may think fit.

Inspection of
drains, etc.

132. (i) The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water closet, housegully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the municipal council unless the sewer, drain, privy, water-closet, housegully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the municipal council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, housegully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Expense of inspection when to be borne by the municipal council.

133. (1) The municipal council may, if it thinks fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Municipal council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the municipal council shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the municipal council, be deemed to be municipal property, unless the municipal council shall have transferred its interest therein to the owner of such buildings or lands.

134. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

Power of carrying water mains, etc.

(4) *Powers regarding external structures, etc.*

Permission
necessary for
certain pro-
jections.

135. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of
projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(a) overhangs or juts into or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof :

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation

the same shall be ascertained and determined in the manner provided in section 191.

136. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Troughs and pipes for rain water.

137. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Fixing of brackets, etc. to houses.

138. (1) The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof, fronting the street.

Naming streets and numbering houses.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

139. Any person

(a) who, without the consent of the owner or occupier and in the case of municipal property without the permission in writing of the municipal council, affixes any posting, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp-post or the like, or

(b) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board,

Penalty for defacing buildings, etc.

fence or pale, post, lamp-post or the like with chalk or paint or in any other way whatsoever, shall be punished with fine which may extend to twenty rupees.

Removal and
trimming of
hedges, trees,
etc.

140. The municipal council may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or
dangerous
buildings.

141. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Action to be
taken on
default by
owner or
occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured.

Proviso if
danger is not
imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing

to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient, in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

142. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply

(a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(d) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(e) desist from using and from permitting others to use, for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking ; or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy on non-compliance with directions issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of subsection (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control, may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

143. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstructions and encroachments upon public streets and open spaces.

144. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, plat-form, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause

to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 135 or in any case where permission has been given under sub-section (4) of this section.

145. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall, before beginning such work

(a) first obtain a license in writing from the municipal council so to do, and

(b) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain

Hoardings to be set up during repairs, etc.

such hoardings or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision of facilities when work is executed in public street.

146. (1) When any work is being executed by the municipal council in any public street it shall, so far as may reasonably be practicable, make adequate provision for—

(a) the passage or diversion of traffic ;

(b) proper access to all premises approached from such street ; and

(c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

Fencing and lighting during repairs, etc.

(2) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper ; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(3) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

147. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building ; and such permission shall be terminable at the discretion of the

municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

148. If in the opinion of the municipal council the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the municipal council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the municipal council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Dangerous
quarrying.

Provided that if such quarry or place is vested in the Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government, or any person acting with the permission or under the authority of the Government or of any officer of the Government acting as such, the municipal council shall not take such action unless and until the Deputy Commissioner has consented to its so doing.

Provided further that the municipal council shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the municipal council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provision as
to dogs.

149. (1) The municipal council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days ; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained, in the manner provided by chapter VIII.

(6) Powers for the prevention of nuisance.

Depositing
dust, etc.

150. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthen-ware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put

any of the matter above described, or, except with the permission of the municipal council, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

151. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees. Discharging sewage, etc.

152. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction. Non-removal of filth, etc.

153. (1) The municipal council may, from time to time, fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter. Removal of night-soil.

(2) Whoever,

(a) when the municipal council has fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(b) at any time, whether such hours have been fixed by the municipal council or not,

- (i) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or
- (ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or
- (iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or
- (iv) places or sets down in any public place any vessel containing such offensive matter, or
- (v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purposes as aforesaid through any street or by any route, other than such as shall from time to time be appointed for that purpose by the municipal council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc.

154. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation, it may further, by written notice, prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

- (a) becoming a resort of idle and disorderly persons or of persons who have no ostensible

means of subsistence, or who cannot give a satisfactory account of themselves, or
 (b) coming into use for any insanitary or immoral purpose, or

(c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the municipal council if it considers such objection cannot under any other provision of this Regulation, be otherwise removed, may, if there is any person known or resident within the municipality who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof, to be removed ; and in the event of non-compliance with such requirement, the municipal council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing ; and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

155. If, for any reason, it shall appear to the municipal council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the municipal council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, unless such improvements as are specified in the notice are executed within a reasonable time and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice ; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the municipal council invalid or insufficient, the municipal council may,

Buildings or
rooms in
buildings
unfit for
human
habitation.

by an order in writing, prohibit the further use of such building or room as a dwelling and may withdraw such prohibition for proper reasons.

Power to enter and inspect, etc., buildings.

156. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

157. (1) The municipal council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in ; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the municipality.

(2) Copies of all orders passed and notices issued by the municipal council and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

Fouling water.

158. (a) Whoever, in disobedience of any order of the municipal council under section 157 or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the municipal council, or washes, or causes to be washed therein any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

(b) whoever, without permission of the municipal council, steepes in any tank, stream, or ditch within, or on the boundary of the municipality, any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

Abatement of nuisances from wells, etc.

159. (1) If in the opinion of the municipal council—

(a) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe, or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (a) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(b) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe ; or

(ii) grant written permission to retain such work ; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

160. The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious :

Regulation
or prohibi-
tion of
certain
kinds of
cultivation.

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested, for any damage caused to them by absolute prohibition.

161. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Using
offensive
manure,
etc.

Tethering
cattle, etc.

162. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping
swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding
animals on
filth.

163. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licensing of
goats and
pigs.

164. Within such limits as the municipal council may direct, no person shall keep more than five pigs or more than ten goats without a license from the municipal council. The municipal council may charge an annual fee not exceeding two rupees for such license and may impose such conditions in respect of such license as it may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this sub-section shall be punishable with fine which may extend to twenty-five rupees.

Consumption
of smoke.

165. (1) It shall be lawful for the municipal council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam-engine be or be not used or employed therein, shall in all cases, be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall, after such direction, use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may, extend to fifty rupees, and upon any subsequent conviction to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

166. (1) It shall be lawful for the municipal council to publish, by a notification in the Official Gazette, that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein :

Licenses to be taken for burning bricks.

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may, by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of markets, sale of food, etc.*

167. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), and (iv) to (vi) of clause (b) of sub-section (1) of section 51 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

Licensing markets, slaughter-houses and certain businesses.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for

each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening,
closing, and
letting of
markets and
slaughter-
houses.

168. (1) The municipal council may from time to time open or close any public market or slaughter house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-
houses, etc.,
beyond muni-
cipal limits.

169. It shall be lawful for the municipal council, with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcases of animals, beyond the limits of the municipality, and all provisions of this Regulation and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for
shops for sale
of European
drugs.

170. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Regulation or if the shop or place is established after the commencement of this Regulation then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

Certificated
dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such

person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality :

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the Official Gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognised by such Pharmacopœia are dispensed upon prescription.

171. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 170 shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence ; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

Uncertificated person dispensing drugs.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 170 fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees :

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Official Gazette by the Government.

172. (1) The president, vice-president or any councillor or officer authorised by the municipal council in this behalf—

Unwholesome articles of food and drink.

(a) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in,

or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(b) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 3i, to exercise all or any of the powers vested in the municipal council under this sub-chapter, or of the municipal commissioner, if any, if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a magistrate.

If it appears to the magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

Adulterated
articles for
food or drink

(2) If any article intended for food or drink is in any place mentioned in sub-section (1), the president, vice-president, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a magistrate upon sufficient evidence that such article is not what it is represented to be, such magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink and the owner not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

EXPLANATION—If such article having been exposed or stored in or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not

exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be.

Provided that when any article of food or drink referred to in this sub-section appears to the magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the magistrate—

Protection to persons acting in good faith.

(a) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof; or

(b) that in the process of production, preparation or conveyance of such article of food or drink the extraneous substance has unavoidably come intermixed therewith, or

(c) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added, or

(d) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

(3) It will be open to a municipal council, subject to the approval of the Government, to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold or exposed for sale that is adulterated with any other substance.

Whoever sells or exposes for sale adulterated ghee in any stall or locality so set apart shall, on conviction before a magistrate, be punished with fine which may extend to one hundred rupees and the magistrate may cause such

ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality.

Application for summons to be refused if not applied for within reasonable time.

(4) In all prosecutions under this section, the magistrate shall refuse to issue a summons for the attendance of any person accused of any offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures and instruments for weighing.

173. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use ; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of dangerous diseases.*

Power which may at any time be exercised.

174. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are :—

(a) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf ;

(b) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to

exist and the taking of measures to prevent the spread of the disease beyond such place ;

(c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease ;

(d) power to direct or cause the removal, on a certificate signed by the health officer of the municipal council or any duly qualified medical practitioner authorised by the municipal council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment ; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipal council ;

(e) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council ;

(f) power to provide the means, and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof ;

(g) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such person shall be immediately disinfected ;

(h) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading of the

said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort, or

(ii) any person in charge of any person so suffering from so exposing such sufferer ;

(i) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease ;

(j) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf ;

(k) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

175. (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

Penalties for disobedience of an order passed in exercise of such powers.

Duties of municipal council on threatened or actual outbreak of dangerous disease.

(2) In such event as aforesaid, the Government may, by special notification, declaring that such municipality is threatened or visited with an outbreak of a dangerous disease, confer on the municipal council all or any of the powers specified in the following sub-section, and such municipal council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are---

(a) power to order, subject to the conditions,

(i) that the permission of a magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein ;

(b) power to direct the examination by a medical officer of persons and, if necessary the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality or residing in any infected building or buildings adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days;

(c) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the civil surgeon, or other senior medical officer of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipal council may, in its discretion, give compensation to any person who sustains substantial

loss by the destruction of any property under this section ; but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penal clauses.

(5) If, in any municipality in which such declaration under sub-section (2) as aforesaid is for the time being in force, any person—

(a) knowingly disobeys any order which for the time being is in force in such municipality and which has been passed by the municipal council in exercise of any power conferred on it by section 174 or under this section, or

(b) obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

176. (1) The Government may at any time—

(a) withdraw any power conferred by or under sections 174 and 175 ;

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power ; or

(c) cancel any order passed by a municipal council in exercise of any such power.

(2) Every order passed by a municipal council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality.

Duties of municipal council in respect of disease among horses, dogs, cattle, sheep or goats.

177. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

178. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

Procedure of
magistrate.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

179. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

Special
powers which
may be conferred by
Government
in respect of
overcrowded
areas notified
by Government.

- (a) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or
- (b) the impracticability of cleansing any such buildings, or blocks of buildings already existing or projected, or
- (c) the want of drainage or scavenging, or the difficulty of arranging therein, for the

drainage or scavenging of any such buildings or blocks or area as aforesaid, or

- (d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the municipal council, to which such area is subject, all or any of the powers specified in sub-section (2) and the municipal council may, subject to the limitations, restrictions, modifications, conditions or regulations, if any, prescribed in this behalf, exercise within that area all powers so conferred, unless and until those powers, are withdrawn by a subsequent notification of the Government.

(2) The powers all or any of which may be conferred on a municipal council under sub-section (1), are as follows :—

- (a) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipal council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the municipal council deems fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the municipal council deems necessary to prevent all such risk of disease ;

- (b) power by municipal or other agency, to pull down or remove the said building or block or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein ;

- (c) power, subject to a right of appeal to an officer who may be empowered by the Government in this behalf and whose decision shall be

conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space and by general notice published in the manner provided in sub-section (3) of section 185, the erection of any building or of any building exceeding such dimensions as may be specified ;

- (i) on the site of any building which has in whole or in part in exercise of the power specified in clause (a) been pulled down, or
- (ii) on any space not occupied by buildings whether such space is private property or not and whether it is enclosed or not, if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either,
 - (a) to acquire such site or space, or
 - (b) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof:

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 191 shall be paid to any person whose rights are effected by such prohibition.

(3) When in pursuance of any notice under sub-section (2), any building has been pulled down, the municipal council shall, unless it has been erected contrary to any provision of this Regulation or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 191.

180. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

Closing
places for
disposal of
the dead.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the Official Gazette, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation
of certain
trades.

181. (1) If it be shown to the satisfaction of the municipal council that any building or place used or intended by any person to be used—

- (a) for boiling or storing offal, blood, bones or rags ;
- (b) for salting, curing and storing fish ;
- (c) for storing hides, horns or skins ;
- (d) for tanning ;
- (e) for the manufacture of leather or leather goods ;
- (f) for dyeing ;
- (g) for melting tallow or sulphur ;
- (h) for washing or drying wool or hair ;
- (i) as a brick, pottery or lime kiln ;
- (j) for soap-making ;
- (k) for oil-boiling ;
- (l) as a manufactory of sago ;
- (m) as a distillery ;
- (n) for storing hay, straw, fodder, wood, coal or other combustible material ;
- (o) as a quarry ;
- (p) as a cart-stand ;
- (q) for storing grain for trade purposes ;
- (r) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire,

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may by written notice require the owner or occupier—

- (i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

- (ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

Liability to penalty after notice.

(3) Upon a conviction being obtained under this section the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Penalty for unlicensed places in a municipality in which by-laws under section 51 (1) (b) (iii) are in force.

182. (1) In any municipality to which by a notification in the Official Gazette this section is made to apply by the Government, no person shall establish in any premises, any factory as defined in the Mysore Factories Regulation, 1914, without the previous written permission of the municipal council.

Factories in crowded localities.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any by-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory at aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

Use of siren
or whistle for
summoning
or dismissing
workmen.

183. (1) No person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license, may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

Brothels.

184. In any municipality to which, on the application of the municipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day, thereafter that the house shall be so used.

Provided that action under this section shall be taken only—

(a) with the sanction or by the order of the District Magistrate, or

(b) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

185. (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf—

Service of, notices, etc., addressed to individuals.

- (a) by giving or tendering the notice or bill to the person to whom it is addressed ; or
- (b) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family ; or
- (c) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or
- (d) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation, shall be effected either—

Service of notices, etc., on owners and occupiers of buildings and lands.

- (a) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or
- (b) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

- (c) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which the Regulation requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings, places and, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Defective form not to invalidate notice or bill. Execution of acts required to be done by any notice.

(4) No notice or bill shall be invalid for defect of form.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 192.

Punishment for disobedience to orders and notices not punishable under any other section

186. Whoever disobeys or fails to comply, with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

187. (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the municipal council may seem fit.

Municipal council in default of owner or occupier may execute work and recover expense.

Provided that—

(a) Whenever any drainage scheme or water works scheme has been commenced by any municipal council, it shall be lawful for the municipal council, without prejudice to its powers under sub-section (1) or section 121 or any other provision of this Regulation, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipal council shall render and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3).

Agreement for construction of drainage and water-connections.

Provided also that—

(b) when an order has been passed under sub-section (1) of section 105, sub-section (1) of section 107, sub-section (2) or (7) of section 115 or under sections 119, 121, 127 or 128, or when permission has been given under section 122 or when an agreement has been made under proviso (a) of this sub-section, the municipal council may without prejudice to any other powers under this Regulation, if it thinks fit, declare any expenses incurred as aforesaid by the municipal council to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipal council decides, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Improvement expenses.

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

188. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

189. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Proceedings, if any occupier opposes the execution of the Regulation.

(11) *Miscellaneous.*

190. It shall be lawful for the president, vice-president, chief officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land.

Entry for purposes of the Regulation.

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

191. (1) If an agreement is not arrived at with respect to any compensation or damages, which are by this Regulation directed to be paid, the amount and if necessary, the apportionment of the same shall be ascertained and determined by a panchayet of five persons of whom two shall be appointed by the municipal council, two by the party to or from whom compensation or damages may be payable or recoverable, and one, who shall be presiding

Arbitration in case of compensation, etc.

member, shall be selected by the members already appointed as above.

(2) If either party, or both parties, fail to appoint members, or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayet shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the panchayet not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the district court of such members as may be necessary to constitute the panchayet, the matter shall, on application by either party, be determined by the district court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court.

Provided that—

(a) no application to the Deputy Commissioner for a reference shall be necessary, and

(b) the court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the panchayet has given a decision, either party, if dissatisfied with the decision—

(a) on the ground of corruption or misconduct of the panchayet, or

(b) on the ground of either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the panchayet, or

(c) on the ground of the award having been made after the issue of an order of the court superseding the arbitration and proceeding with the suit or after the expiration of the period allowed by the court, or being otherwise invalid,

may, within a month of the date thereof, apply to the district court, and the matter shall be determined by the district court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building, the municipal council may, after the award has been made by the panchayet or the district court, as the case may be, take possession of the land or building, after paying the amount or the compensation determined by the panchayet or the district court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipal council shall deposit the amount of the compensation in the district court.

192. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary, the apportionment of the same, shall, save where it is otherwise expressly provided in this Regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Costs or expenses how determined and recovered.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

193. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund:

Municipal council may prosecute.

Provided that no prosecution for an offence under this Regulation or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

(2) Any prosecution under this Regulation or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery

Jurisdiction of Magistrate.

of which no special provision is otherwise made in this Regulation, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

194. A municipal council may—

Power to
compound
offences.

(a) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence ;

(b) withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder ;

(c) compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable:

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation
for distraint,
etc.

195. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress
lawful
though
defective in
form.

196. No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him ; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to
municipal
property how
made good.

197. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is

convicted, and on non-payment of such damage on demand, the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

198. In lieu of any process of recovery allowed by or under this Regulation or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Regulation, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Alternative
procedure
by suit.

199. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient:

Power of
compromise.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Regulation.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

200. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Assistance
for the re-
covery of
rent on land.

201. (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant, or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Regulation, until

Limitation
of suits, etc.

the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of
police officers

202. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Regulations, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained :

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition
of expendi-
ture not
budgetted
for.

203. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant,

provided that the following items shall be excepted from this prohibition, namely:—

(a) refunds of taxes and other moneys which the municipal council is authorised by the Regulation or the rules made thereunder to make;

(b) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(c) sums which the municipal council is required or empowered by this Regulation to pay by way of compensation;

(d) every sum payable—

(i) under section 219 by order of the Deputy Commissioner and under sections 220, 221, 222, 224 and 227 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim;

(e) expenses incurred in the exercise of powers conferred by sections 59 (a), 174, 175 and 177;

(f) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or local authorities.

204. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

**Presentation
of Accounts**

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal

**Budget
estimates.**

council shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the municipal council shall, among other things—

(a) make adequate and suitable provisions for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Regulation or any other law ;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it ;

(c) provide for the payments of all sums payable to the Government under sections 220 and 221 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities ;

(d) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of
budget.

205. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(a) no reduction shall be made in the amounts, allotted for the several items specified in clauses (b) and (c) of sub-section (3) of section 204 ; and

(b) the closing balance shall not be reduced below the sum fixed under clause (d) of sub-section (3) of section 204.

Maintenance
of accounts
and restric-
tions on
expenditure.

206. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

207. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council. Audit of accounts.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor such charges as may be prescribed by the Government.

208. The Government auditor may—

Powers of Government auditor.

(a) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

(b) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him ; and

(c) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

209. (1) The Government auditor shall—

Duties of Government auditor.

(a) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts ;

(b) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts ; and

(c) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor. Municipal council to remedy defects.

Disallowance
by Govern-
ment auditor
and order
by Deputy
Commis-
sioner.

210. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may, on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from
order of
Deputy
Commis-
sioner.

211. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of
amounts
disallowed

212. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission
of accounts
to Govern-
ment.

213. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

214. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the municipal council may prescribe in this behalf. Publication of accounts.

215. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Government, a report on the administration during the preceding official year in such form and with such details as the Government may direct. Annual administration report.

(2) In a municipality for which there is a municipal commissioner, the municipal commissioner and in other municipalities the president shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Government, may direct.

CHAPTER XII.

CONTROL.

216. The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power— Powers of inspection and supervision.

(a) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction ;

(b) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish ;

(c) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to

necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

Power to inspect the office of municipal council.

217. (1) The Government or any officer authorised by the Government in this behalf shall have power to inspect the office of any municipal council and call for the records of any such municipal council.

(2) The officer authorised under sub-section (1) shall submit the records for the orders of Government, if he is satisfied that the order or proceeding of the municipal council or its executive is contrary to law or orders for the time being in force.

Deputy Commissioner's power of suspending execution of orders, etc., of municipal councils.

218. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

219. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 218 shall apply, so far as may be, to any order made under this section.

220. The Government, after consulting the municipal council, may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify.

Agency for
execution of
public works.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

221. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time after consulting the municipal council—

Special provision in
regard to
works executed by the
Government.

(a) to construct any work or works of a permanent nature which, in the opinion of the Government, is or are necessary or desirable for the health or safety of the inhabitants, whether within any municipality or without it wholly or in part ;

(b) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council ;

(c) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (c) of the preceding sub-section.

(3) The provisions of this section shall be deemed to apply with retrospective effect in respect of the works heretofore carried out at the expense of Government for the water-supply of the cities of Bangalore and Mysore.

Government
inquiry into
municipal
matters.

222. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters:—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

EXPLANATION.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

223. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Power of Government to prevent extravagance in the employment of establishment.

(2) It shall be lawful for the Government—

- (i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;
- (ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;
- (iii) to require that any person appointed to be a chief officer or a municipal commissioner shall be invested by any such municipal council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 236 or by chapter XIV, as the case may be;
- (iv) to require that all or any of the powers referred to in section 174 or in section 175 (if the conditions under which that section comes into operation exist), shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

Government may require any municipal council to appoint a health officer, or an engineer.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case prescribe in that behalf.

Power of Government to provide for performance of duties, default of municipal council.

224. (1) When the Government is informed, on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

225. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

226. (1) If after such enquiry as the Government may consider necessary, the Government, is of opinion that any municipal council is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

Consequences
of exercise of
such power.

(a) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(b) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(c) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(i) in the case of dissolution, on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Power after
enquiry to
continue
period of
supersession.

227. (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a city municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled, the matter shall be referred to the Government who may take cognizance of the dispute and decide it ; and the decision of the Government shall be final.

Disputes
between a
city municipal
council and one
or more other
local
authorities.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

228. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of
Government
to make
rules and
orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed ;

(b) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected ;

(ii) for prescribing the qualifications of voters and of candidates ;

(iii) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals, or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing the restrictions, if any, on the number of votes which a voter may give ;

(iv) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie ;

(v) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll ;

(vi) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited ;

(c) for the regulation of all or any of the matters specified in clauses (b), (c), (e), (f) and (g) of section 49 ;

(d) the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or while having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(e) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances, and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants;

(f) prescribing the limitations, restrictions, modifications, conditions or regulations subject to which any municipal council shall exercise the powers conferred under section 179 shall be exercised and prescribing a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of an order made or conditions imposed by any municipal council in exercise of the powers conferred upon it under the said section or in pursuance of the rules prescribed in that behalf;

(g) as to the conditions under which ratepayers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(h) for the proper management and maintenance of any work constructed under section 221 and for the regulation of all matters and things connected therewith;

(i) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned;

(j) as to the transfer to municipal councils the management of any institution not otherwise provided for by this Regulation;

(k) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(l) for the regulation of all matters connected with the grant of permission under section 116;

(m) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) The power of Government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the Official Gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation.

Power of Government to cancel or modify by-laws and rules of municipal councils.

229. (1) The Government may, at any time, by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council :

Provided that before taking any action under this sub-section the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

Powers of Government and of the Deputy Commissioners over subordinates.

230. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

231. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Restriction on the powers of the Deputy Commissioner.

232. The Deputy Commissioner shall not exercise the powers conferred on him under sections 216, 218 and 219 except under the special orders of the Government.

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

233. (1) Any municipal council may and when required by the Government by an order in this behalf shall, within such time as may be fixed therein, appoint a chief officer for the municipality. Appointment of chief officer.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(a) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(b) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

234. (1) Any municipal council may, with the sanction of the Government, appoint a health officer and an engineer or any one or more of such officers, whether temporarily or permanently. Appointment of health officer and engineer.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended, unless by the votes of at least two-thirds of the whole number of councillors.

**Duties of
chief officer.****235. The chief officer shall—**

(a) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under, this Regulation ;

(b) subject to the orders of the president, or of the managing committee or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors ;

(c) report to the president, the managing committee and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property ;

(d) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council or the managing committee and shall comply with any orders passed by the municipal council or the managing committee thereon ; and

(e) subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (b), (f) and (g) of sub-section (1) of section 24 and in clause (e) of the same sub-section in regard to officers and servants of the municipal council subordinate to the chief officer.

**Powers of
chief officer.**

236. The chief officer shall exercise the powers herein-after specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Regulation—

(a) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Regulation, other than licenses for markets or slaughterhouses ;

(b) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license ;

(c) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ;

(d) he may, subject to the control of the president and to the provisions of section 41—

- (i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and
- (ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(e) he may make such requisitions, by written notice give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 78,
 section 82, sub-sections (2) and (3),
 section 88,
 section 92, sub-sections (3), (4) and (5),
 section 94, proviso to sub-section (2),
 section 95,
 section 96,
 section 97,
 section 99,
 section 101, sub-section (3),
 section 107, sub-section (2),
 section 113,
 section 115, sub-sections (2), (3) and clause (a) of
 sub-section (6).
 section 117,
 section 119,
 section 122,
 section 131, sub-section (1),
 section 132,
 section 136,
 section 137,
 section 139,
 section 140,
 section 141,
 section 142,
 section 143,
 section 144,
 section 145,
 section 146,
 section 147.

Prohibition of
engagement
in other
business.

(2) A municipal commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Regulation or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever:

Provided that the Government may assign to him any other work of local importance or interest, if in its opinion he can perform such additional work without prejudice to his duties as municipal commissioner.

Leave of
absence.

242. (1) The Government may, from time to time, in consultation with the municipal council, grant leave of absence for such period as it thinks fit to a municipal commissioner.

Leave allow-
ance.

(2) The allowance to be paid to a municipal commissioner while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Government;

Provided that, if the municipal commissioner is a salaried servant of the Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Government of his class.

Appointment
of substitute.

(3) During any absence on leave, or other temporary vacancy in the office of a municipal commissioner, the Government may appoint a fit person to act as municipal commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Regulation or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

Contribution
from municip-
al council
towards pen-
sions and
leave allow-
ances of
municipal
commis-
sioners.

243. (1) When a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall, unless specially exempted wholly or in part from liability by the Government, contribute to his pension and leave allowances to the extent required by the rules prescribed under sub-section (2) of section 228.

(2) When a person other than a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall pay from municipal fund the whole of his leave allowances fixed, as hereinbefore provided by the Government, and may, with the sanction of the Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

244. (1) The municipal council may require the municipal commissioner to furnish it with—

Power of
municipal
council to
require re-
turns, repor
or productic
of document

(a) any return, statement, estimate, statistics, or other information regarding any matter appertaining to the administration of this Regulation or to the municipal government of the municipality ;

(b) a report on any such matter ; and

(c) a copy of any document in his charge :

Provided that in emergent cases which do not admit of delay till a meeting of the municipal council is called, the president may call for information, return, statistics, estimate, etc., referred to above.

(2) The municipal commissioner shall comply with every such requisition without unreasonable delay.

245. A municipal commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the municipal council under the provisions of this Regulation—

Powers of
municipal
commis-
sioners and
limitations
thereon.

(1) he shall, subject to the provisions of this Regulation and save where it is otherwise expressly provided in this Regulation, perform and exercise the duties and powers of the president under clauses (b), (d), (e) and (g) of sub-section (1) of section 24 ;

(2) he shall exercise all the powers specifically conferred on the chief officer by the provisions of this Regulation ; and

(3) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely :—

section 73,

section 81, except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees.

section 83,

section 91,

section 93,

section 105,

section 107,

section 109,

section 110,

Order not
subject to
appeal except
in certain
cases.

section 112,
section 115,
section 118,
section 120,
section 121,
section 124,
section 126,
section 127,
section 128,
section 129,
section 130,
section 131, sub-section (2),
section 133, sub-section (1),
section 135,
section 138,
section 159,
section 174,
section 175,
section 177,
section 178,
section 181,
section 187,
section 188,
section 190,
section 192,
section 193, and
section 194,

Delegation of
powers of
municipal
commissioner

Provided as follows : —

Power to
execute com-
tracts on
behalf of
municipal
council.

(a) The powers conferred on the municipal council by or under the provisions contained in section 83, section 105, section 107, section 110, clause (b) of sub-section 6) of section 115, sub-section (1) of section 129, section 135, sub-section (1) of section 138, and, in the case of a well, section 159, shall not be exercised by the municipal commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council ;

(b) The powers conferred on the municipal council by or under any of the provisions of this Regulation (i) to make rules or by-laws, and (ii) to authorise the president or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the municipal commissioner ;

(c) Property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal

council, shall not be deemed to vest in or belong to or otherwise to be held by the municipal commissioner ;

(d) The power conferred by section 193 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the municipal commissioner except with the previous approval of the municipal council ;

section 46, sub-section (4) of section 107, section 165 and clause (f) of sub-section (2) of section 228.

246. When a municipal council empowered by any of the provisions of this Regulation or by any by-laws made hereunder to authorise an officer to exercise any power whatever or to do anything, has so authorised any officer, it shall be deemed so to have authorised the municipal commissioner notwithstanding that it has not expressly so authorised him.

Municipal commissioner deemed to be authorised in certain matters although not expressly so authorised.

247. Whoever disobeys or fails to comply with lawful direction given by the municipal commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the municipal council in the same matter.

Punishment for person disobeying lawful direction given by municipal commissioner.

248. (1) A municipal commissioner shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without the sanction of the municipal council—

Powers of municipal commissioner to appoint, grant leave, punish and dismiss.

(a) to appoint, subject to the rules for the time being in force, a fit person to any post under the municipal council, the monthly salary for which does not exceed, sixty rupees, other than to the post of health officer, engineer, chief accountant, manager or auditor ;

(b) to grant, subject to the rules for the time being in force, leave of absence to the holder of any post to which the municipal commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence ;

(c) to fine, reduce, suspend or dismiss the holder of any post to which the municipal commissioner has power to appoint.

(2) When a municipal commissioner has been appointed under the provisions of this Regulation, all other officers and servants employed by the municipal council shall be subordinate to him.

Order not
subject to
appeal except
in certain
cases.

249. No appeal shall lie to the municipal council in respect of any order passed or anything done by a municipal commissioner in the exercise of powers conferred upon him by or under the provisions of this Regulation except in the case of an order passed or anything done by him under any of the following provisions, namely :—

(i) Sub-section (4) of section 107, (ii) sub-sections (1) and (2) of section 109, (iii) clause (b) of sub-section (6) of section 115, (iv) sub-section (1) of section 118, (v) sub-section (1) of section 120, (vi) sub-section (1) of section 124, (vii) sub-section (2) of section 154, (viii) section 155, (ix) section 181, (x) section 182, (xi) clause (b) of sub-section (1) of section 187, (xii) section 192, (xiii) clause (c) of sub-section (1) of section 248 in respect of an order of dismissal.

Delegation of
powers of
municipal
commissioner.

250. (1) With the sanction of the municipal council, the municipal commissioner may by general or special order in writing delegate to any municipal officer or servant any of the municipal commissioner's powers, duties or functions under this Regulation or under any rule or by-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely, 181, 193 and 248.

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to the control of and revision by the municipal commissioner.

Power to
execute con-
tracts on
behalf of
municipal
council.

251. In any municipality for which a municipal commissioner has been appointed, notwithstanding anything contained in section 41, the following provisions with respect to the making of contracts under or for any purposes; of this Regulation shall have effect, namely:—

(a) every such contract shall be made on behalf of the municipal council, by the municipal commissioner;

(b) no such contract for any purpose which the municipal commissioner is not empowered by this Regulation to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(c) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the municipal commissioner except with the approval or sanction of the municipal council;

(d) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the municipal commissioner except with the approval or sanction of the municipal council;

(e) every contract made by the municipal commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the municipal council;

(f) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

252. (1) Notwithstanding anything contained in sub-sections (7) and (8) of section 41, every contract entered into by a municipal commissioner on behalf of a municipal council shall be entered into in such manner and form as would bind such municipal commissioner if such contract were on his own behalf, and may in like manner and form be varied or discharged :

Mode of
executing
contracts.

Provided that—

(a) where any such contract, if entered into by a municipal commissioner, would require to be under seal, the same shall be sealed with the common seal of the municipal council;

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the municipal council and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipal council shall not be affixed to any contract or other instrument, except in the presence of two members of the managing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the municipal council.

Tenders to be invited for contracts involving expenditure exceeding five hundred rupees.

253. (1) Except as is otherwise provided in sub-section (3), a municipal commissioner shall at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract.

(2) A municipal commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (d) of section 251, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The municipal council may, subject to the provisions of section 41, authorise the municipal commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

254. A municipal commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under the Regulation.

SCHEDULE A.

ENACTMENTS REPEALED.

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE I.

Section 64, clauses (i), (vi) to (x) and (xiii).

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL-TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP-TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both.—	Eight annas for every one hundred square yards.
(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	
(ii) Buildings or lands or both not falling under (i).	Six per centum on the annual letting value.
B. Tax on dogs ..	One rupee per head.
C. Special Sanitary Cess ..	Rates that may be notified by the Government from time to time.
D. General Sanitary Cess ..	Do do
E. Water rate or water rates ..	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax ..	One-third of the rate leviable under item (A).
G. Other taxes leviable under clause (xiii) of section 65.	Rates to be fixed by Government in each case.

SCHEDULE II.

[Section 64, clauses (iv) and (v).]

Maximum rates of octroi and terminal tax.

Taxes	Maximum rate
A. Octroi.—	Rs. a. p.
Class I.—Articles of food or drink for men or animals.—	
Cocoanuts, fresh	0 0 1 each.
Cocoanuts, dry	0 8 0 per maund of 960 tolas.
Betel-leaves	0 0 1 per bundle of 100 leaves.
Sugar	1 0 0 per cent <i>ad valorem</i> .
Jaggery	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do
Butter	0 6 0 do
Oats	1 0 0 per cent <i>ad valorem</i> .
Bran	1 0 0 do
Chaff	1 0 0 do
Class II.—Animals used for slaughter.—	
Sheep and goats	0 2 0 per head.
Class III.—Oils and Oil seeds.	
Kerosine oil	0 2 0 per tin.
Other oils	0 2 0 per maund of 960 tolas weight.
Oil seeds	0 4 0 per candy of 160 seers.
Class IV.—Articles used in the construction of buildings.—	
1. Timber	Rates to be fixed by the Government from time to time.
2. Chunam or lime	0 4 0 per cart load.
3. Roofing tiles (Mangalore pattern)	1 9 0 per cent <i>ad valorem</i> .
Class V.—Tobacco	4 0 0 per maund of 960 tolas.
Class VI.—Piece-goods and other textile fabrics and manufactured articles of clothing and dress	0 0 3 per rupee <i>ad valorem</i> .
Class VII.—Metals	1 9 0 per cent <i>ad valorem</i> .
Class VIII.—Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2 0 0 do
B. Terminal Tax	Rates to be fixed by the Government from time to time.

SCHEDULE III.

(See section 64, clause ii.)

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly.		
	Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more	40	0	0
For every motor car weighing less than 15 cwts.	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, bicycle or tricycle and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See section 64, clause (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

	Rs. a. p.		
1. On every motor bus as defined in the Motor Vehicles Rules or a motor lorry	2	0	0
2. On every motor car	1	0	0
3. On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4. On every four-wheeled carriage	0	8	0
5. On every two-wheeled carriage on springs other than a jutka	0	4	0
6. On every jutka laden	0	2	0
7. On every jutka unladen	0	1	0
8. On every other vehicle with springs including a tricycle or bicycle	0	2	0
9. On every cart or other vehicle not on springs drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
10. On every cart or other vehicle not on springs drawn by 2 buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11. On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12. On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

SCHEDULE V.

[(See section 64, clause (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

Yearly.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to two thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to two thousand rupees a month or upwards :—

- (i) carrying on business as a company ;
- (ii) abkari renters, wholesale and retail traders, and manufacturers, of every kind, contractors, auctioners and commission agents ;
- (iii) bankers, money-lenders, money-changers and pawn brokers ;
- (iv) editors and proprietors of newspapers ;
- (v) brokers and dealers in securities, shares or bills of exchange ;
- (vi) practising barristers, advocates, high court vakils, solicitors, attorneys, pleaders, and law agents ;
- (vii) practising medical practitioners of all kinds including hakims and vaidyans ;
- (viii) dentists and veterinary surgeons ;
- (ix) architects and civil engineers ;
- (x) owners and farmers of markets and toll-farmers ;
- (xi) keepers of hotels, lodging houses or boarding houses ;
- (xii) builders and surveyors ;
- (xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ;
- (xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers ;
- (xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages ;
- (xvi) artisans.

Rs.
100

CLASS II.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand, five hundred rupees a month or upwards ..

75

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand rupees a month or upwards

50

CLASS IV.

	Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards	25

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12
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CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards	8
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CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards	4
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CLASS VIII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to fifty rupees a month or upwards	2
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CLASS IX.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards	1
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NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class IV.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class V.

PROVISO 3.—No abkari renter (other than a mere liquor shop-keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below class VI.

PROVISO 4.—No boat-owner, auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house or boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press) shall be placed in any class below class VII.

SCHEDULE VI.

[See section 64, clause (xii).]

Maximum rates of tax on shops and other places of
business or profession.

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. (For each shop per year) ..	50	40	30	20	10	5
2. Other places where business or profession is carried on for purposes of profit. (For each place per year.)	50	40	30	20	10	5

SCHEDULE VII.

[See clause (b) of section 65.]

Notice is hereby given to the inhabitants of the municipality ofthat the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page.....of the sanctioned rules.]

To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (a) of section 65 are to be appended here.]

SCHEDULE VIII.

(See section 78.)

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the President of the _____ municipal council.
I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Regulation, 19____, of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

(See section 78.)

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the President of the _____ municipal council.
I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Regulation, 19____, of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

SCHEDULE X.

[See sub-section (3) of section 95.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....
 Take notice that the municipal council of.....
 demand from.....the sum of.....
due from.....
on account of.....(here describe the property or
 other subject in respect of which the tax is leviable) leviable under
 rule No.....for the period of.....commencing
 on the day of.....19.....and ending on the.....
 day of.....19 , and that if, within fifteen days from the
 service of this notice, the said sum is not paid into the municipal
 office at.....or sufficient cause for non-payment is not
 shown to the satisfaction of the municipal council, a warrant of distress
 will be issued for the recovery of the same with costs.

Dated this.....day of.....19 ,
 (Signed)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of section 96.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of
 the warrant.)

*Here
 describe the
 tax.

Whereas A. B., of.....has not paid, and has
 not shown satisfactory cause for the non-payment, of the sum of.....
due for the tax*.....mentioned in
 the margin for the period commencing on the day of 19 , and ending
 with the day of 19 and leviable under rule No.

And whereas fifteen days have elapsed since the service on him of
 notice of demand for the same;

This is to command you to distrain, subject to the provisions of
 section 96 of the Mysore City Municipalities Regulation, 19 , the
 goods and chattels of the said A, B to the amount of , being
 the amount due from him, as follows:—

Rs. a. p.

On account of the said tax	..	..	..
For service of notice	..	..	..

and forthwith to certify to me together with the warrant all particulars
 of the goods distrained by you hereunder.

Dated this.....day of.....19 ,
 (Signed.)

President (or as the case may be), see section 96 (2).

(Here state particulars of goods and chattels distrained.)

*REGULATION VIII OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE TWENTY-EIGHTH DAY OF JUNE 1933.)

A Regulation to make better provision for the Management of Municipal affairs in Towns in Mysore.

Whereas it is expedient to make better provision for the management of municipal affairs in towns in Mysore, it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be cited as the Mysore Short title.
Town Municipalities Regulation, 1933.
 - (2) It extends to the whole of Mysore. Local extent.
 - (3) It shall come into force on the first day of Commence-
August 1933. ment.
 2. On this Regulation coming into force, the enact- Repeal.
ments mentioned in schedule A shall be repealed in so
far as they relate to town municipalities.
- Provided that—
- (a) the said repeal shall not affect the validity or Saving clause
invalidity of anything already done under any of the said
enactments ;
 - (b) all town municipalities constituted, municipal
councillors appointed or elected, committees established,
limits defined, appointments, rules, orders and by-laws
made, notifications and notices issued, taxes and rates

*Published with Notification No. P. 294—Legis. 62-31-5, dated 17th July 1933.

For discussions in the Representative Assembly, see Proceedings of the Assembly, October 1931—P. 124-127 ; 267-277.

For debates in the Legislative Council see Proceedings of the Council, December 1931—P. 136-150 ; December 1932—P. 113-174 ; 197-200 June 1933, P. 22-23.

For the bill and the statement of objects and reasons, see the *Mysore Gazette*, dated 19th May 1932.

For the report of the Select Committee, see the *Mysore Gazette*, dated 17th November 1932.

imposed, contracts entered into, and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to town municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation ; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpreta-
tion section.

3. In this Regulation, unless there be something repugnant in the subject or context—

(1) "Amildar" includes a Deputy Amildar.

(2) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(3) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like.

(4) "councillor" shall mean any person legally a member of a municipal council.

(5) "dangerous diseases" shall mean cholera, plague, smallpox, and any endemic, epidemic, or infectious disease by which the life of man is endangered.

(6) "judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munisiff.

(7) "land" shall include land which is built upon or covered with water.

(8) "municipal council" shall mean the council of a town municipality.

(9) "municipality" shall mean any local area which is at present a town municipality and any local area which may hereafter be constituted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town municipality.

(10) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property.

(11) "octroi" shall include a terminal tax.

(12) "official year" shall mean the year commencing on the first day of July.

(13) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant :

Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same ; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to the owner sufficient to defray the expense of doing the act required.

(14) "prescribed" means prescribed by any rule made by the Government under this Regulation.

(15) "public securities" shall mean—

- (a) securities of the Government of India,
- (b) securities of the Government of Mysore,
- (c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or
- (d) a security expressly authorised by any order which the Government makes in this behalf.

(16) "public street" shall mean any street—

- (a) over which the public have a right of way, or
- (b) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or
- (c) which under any provision of this Regulation becomes a public street.

(17) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(18) "street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it

is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(19) "taluk" includes a "sub-taluk."

(20) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation.

(21) "vehicle" shall include bicycles, tricycles, auto-motor cars and every wheeled conveyance which is used or capable of being used on a public street.

(22) "whole number" shall mean when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation
of town
municipali-
ties.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality or declare that any local area shall from a date to be specified in the notification, cease to be a municipality.

Limits to be
specified in
notification.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and
maintenance
of boundary
marks

(3) It shall be the duty of the municipal council in every town municipality already existing and of every town municipal council newly constituted under this Regulation, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of

the municipality subject to its authority, as set forth in the notification.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Property and rights of municipal council which has ceased to exist to vest in Government.

5. (1) The Government may at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any minor municipality as defined in the Mysore Minor Municipalities Regulation, 1933, which contains a population of not less than five thousand inhabitants or which has an annual normal income of not less than ten thousand rupees or a city municipality as defined in the Mysore City Municipalities Regulation, 1933, shall, with effect from a date to be specified in the notification be deemed to be a town municipality constituted under this Regulation and may at any time cancel such declaration.

Conversion of city and minor municipalities into town municipalities.

(2) The provisions of the Mysore Minor Municipalities Regulation, 1933, or the Mysore City Municipalities Regulation, 1933, as the case may be, shall not apply to any municipality declared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the Mysore Minor Municipalities Regulation, 1933, or the Mysore City Municipalities Regulation, 1933, in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Regulation or such other law.

(4) Before any city or minor municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be town municipalities.

6. (1) Any local area which comprises—

(a) a town or station or two or more neighbouring towns and stations, with or without any village, suburb, or land adjoining thereto, or

(b) a village or suburb or two or more neighbouring villages and suburbs

may be declared a town municipality :

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses ; or

(ii) to constitute any town municipality in any area of which the population is less than five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Town Municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the Official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the

said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

8. In every municipality there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Constitution and incorporation of town municipal councils.

9. (1) Except as is hereinafter otherwise provided, every such municipal council shall consist of—

Municipal councils to consist of elected and nominated councillors.

(a) elected councillors ;

(b) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf,

by the Government.

(2) The number of elected councillors shall not be less than three-fourths of the whole number of councillors ; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

In specified proportions.

Provided that when a president appointed by the Government under clauses (a) and (b) of sub-section (2) of section 23 or when a president elected under clause (d) of the same sub-section is not a councillor, the three-fourths of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional councillor.

(3) Any vacancy due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 16 or 17 may, notwithstanding

525

anything in this Regulation contained, be filled up by nomination by the Government.

Government
may deter-
mine the
number of
councillors ;
fix propor-
tion of elected
and nomi-
nated coun-
cillors.

10. The Government shall, from time to time, generally or specially, for each municipal council—

(a) determine the number of councillors ;

(b) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated ;

(c) fix the number of councillors to be elected in the municipality and by the several constituencies, if any ; and

(d) issue orders for regulating the description, number and extent of constituencies for election of councillors.

Operation of
lists.

11. (1) When in accordance with the rules made under clause (b) of sub-section (2) of section 204, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of three years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(a) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll ;

(b) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction ;

(c) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the election roll after affording the person affected an opportunity of being heard ;

(d) no change in the election roll shall be made under provisos (b) and (c) within one month preceding the date fixed for an election.

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Right to vote to depend on entry in roll.

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor expires :

Enrolment in municipal election roll necessary for elected councillor.

Provided that if any company, body corporate or other association of individuals is enrolled in the municipal election roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a councillor.

Representative of associations.

(3) *Municipal Councillors.*

12. (1) (A) No person may be a councillor—

(a) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

General disqualifications for becoming a councillor.

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(iv) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(v) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore City Municipalities Regulation, 1933, or under section 14 of the Mysore Minor Municipalities Regulation, 1933, or

(b) who is an undischarged insolvent, or

(c) who is less than twenty-one years of age, or

(d) who is a judge, and

(B) no person—

(a) who is a subordinate officer or servant of a municipal council, or

(b) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(c) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,
may be a member of such municipal council.

Provided that—

(a) the disqualification in sub-clause (ii) of clause (A) (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(b) the disqualification in sub-clauses (i), (iii), (iv) and (v) of clause (A) (a) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government ;

(c) a person shall not be deemed to have incurred disqualification under clause (B) (b) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of the Government, may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council or in the

hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) If any councillor during the term for which he has been elected or appointed—

(a) becomes subject to any disqualification specified in sub-section (1), or

(b) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii) or (v) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the municipal council, or

(c) by becoming a salaried servant of the Government causes the number of nominated councillors who are salaried servants of the Government to exceed the proportion prescribed in sub-section (2) of section 9, or

(d) not being a salaried servant of the Government absents himself from the meetings of the municipal council, during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(e) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Disabilities
from con-
tinuing a
councillor.

Power of
Government
to decide
whether
vacancy has
occurred

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office

15. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 202, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies occurring by increasing the number of councillors.

17. In the event of a vacancy occurring by increasing the number of councillors in any municipal council under clause (a) of section 10, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto who shall hold office till the next general election or for such period

as the Government may, in this behalf, notify in the Official Gazette.

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Re-eligibility
of councillors.

19. The names of all councillors finally elected to any municipal council as well as the names of the nominated councillors, if any, appointed thereto, and the names of all elected or appointed presidents and vice-presidents shall be published, as soon as conveniently may be, in the Official Gazette.

Publication
of names of
councillors
and presi-
dents and
vice-presi-
dents in the
Official
Gazette.

(4) *Municipal Elections.*

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (d) of sub-section (2) of section 23, any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the District Judge of the district within which the election has been or should have been held for the determination of the validity of the election.

Determi-
nation of vali-
dity of elec-
tions; enquiry
by judge;
procedure.

(2) The District Judge or such other judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Judge, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Judge

sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration
in case of
corrupt prac-
tice by a
candidate.

(3) (a) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of
votes and
declaration
in other
cases.

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a
corrupt
practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section—

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate
when deemed
to have com-
mitted cor-
rupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of
individual
profit.

EXPLANATION.—A “promise of individual profit” includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irre-
gularities and
informalities
not to invali-
date election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (b) of sub-section (2) of section 204 or clause (d) of

sub-section (2) of section 23 or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

EXPLANATION.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of election has been materially affected.

(6) If the Judge sets aside an election under clause (a) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, for a term of years not exceeding seven and the Judge's decision shall be conclusive :

Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

Bar of suits relating to elections, etc.

(5) *Municipal Government.*

22. Except as in this Regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council.

Municipal government to vest in municipal council.

(6) *Presidents and Vice-Presidents.*

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

Every municipal council to have a president and if the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(a) appointed by the Government by name, or

(b) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf, or

(c) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(d) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (b) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Salaried servants of Government ineligible for election.

(5) No salaried servant of the Government shall be eligible for election as president or as vice-president of any municipal council, and the election of any such servant in contravention of the provisions of this sub-section shall be void. If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

When Deputy Commissioner and Amildar may perform functions of president.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being in the case of municipalities at district headquarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities, shall notwithstanding anything contained in this Regulation, or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president.

or vice-president unless leave so to absent himself has been granted—

(a) by the Government in the case of a president appointed by the Government;

(b) by the municipal council in other cases.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (c) or (d) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (a) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Limit of grant of leave and arrangements during leave.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Vacation of office by vice-president on becoming president.

(10) Every president other than a salaried servant of the Government appointed *ex-officio* or by name and every vice-president of a municipal council shall forthwith be deemed to have vacated his office—

Vacation of office by president and vice-president for want of confidence

(a) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(b) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Removal of presidents and vice-presidents.

EXPLANATION.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of
office of
president and
vice-presi-
dent.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor :

Provided that in the case of elected president or vice-president or both, the Government may, in special cases, with the consent of the municipal councils concerned direct that their term be limited to one year and that elections be held every year.

Vacancies in
their office
how to be
filled up.

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Remunera-
tion of pre-
sident and
vice-presi-
dent of
municipal
council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of the Government allowances to any Government officer who is appointed as president.

Functions of
presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

(a) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (a) of section 46, to regulate the conduct of business at such meetings ;

(b) watch over the financial and executive administration of the municipal council ;

(c) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation ;

(d) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides ;

(e) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council ; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ;

(f) furnish to the Deputy Commissioner or to such other officer as the Deputy Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council ; and

(g) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the Assistant Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 192.

(2) In a municipality for which there is no chief officer, the president shall, notwithstanding anything contained in chapter XIII and independently of such executive functions as are allotted to him by, or delegated to him under any other provision of this Regulation, exercise all the powers that may be exercised by a chief officer in the municipality.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Custody of records.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deposes to him in accordance with the general or special orders of the Government issued in this behalf.

Functions of vice-presidents.

(2) It shall be the duty of the vice-president—

(a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (a) of sub-section (1) of section 24; and

(b) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner or the Amildar has been appointed *ex-officio* president of a municipal council notwithstanding anything contained in sections 9 and 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

CONDUCT OF BUSINESS.

(1) *Municipal Meetings.*

Provisions in
regard to
meetings of
a municipal
council.

27. The following provisions shall be observed with respect to the meetings of a municipal council:—

Ordinary
general
meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special
general
meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be
given of
meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be

building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting :

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Regulation.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meetings to be held at municipal office.

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (a) of sub-section (1) of section 24.

Meeting how presided over in the absence of the president and vice-president.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should be held in private :

Meeting must ordinarily be open to the public.

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought on

Number of councillors required to form a quorum.

Business to be transacted at meetings and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (a) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which apart from its general application to the public, he has any direct or indirect pecuniary interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjourn.

(13) Any general meeting may, with the consent of

day ; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(16) (a) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council :

Certain Government officers may attend meetings of municipal councils.

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

(b) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting

Municipal council may require the presence of certain of the said officers at their

less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

EXPLANATION.—The term “Executive Engineer” in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

Rights and
privileges of
individual
councillors.

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may for reasons, given in writing forbid such access.

(2) Committees.

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advice on any matters which it may refer to them.

When
persons
other than
councillors
may serve on
committees.

30. Notwithstanding anything contained in this Regulation, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of members of such committee.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

Duties, etc., of such persons.

31. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof.

When chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members.

If there is no chairman, *ex-officio* or appointed by the municipal council.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (a) of sub-section (16) of section 27, there were substituted the word "committee."

Procedure at meetings.

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof :

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the

Committees shall meet when they think proper

president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (b) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

And how to be recorded

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council and compliance with requisition of municipal council.

34. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 29 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

(3) *Delegation of Powers to Individuals.*

35. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under chapter XIII or on any committee by or under section 29 ; and each person, who exercises any power or performs any duty or function so delegated may be paid all expenses necessarily incurred by him therein.

Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) *Validity of Proceedings.*

36. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever, the majority of persons, parties to such act or proceeding, were entitled to act.

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

No resolution of a municipal council or of any committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified ; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Proceedings of meetings to be good and valid, until the contrary is proved.

(3) During any vacancy in a municipal council or committee the continuing councillors or members may act as if no vacancy had occurred.

Vacancy not to affect municipal council's proceedings.

(5) *Joint Transactions with Other Bodies.*

Joint committees of two or more municipal councils.

37. A municipal council may from time to time join with any other municipal council constituted under this Regulation or under the Mysore City Municipalities Regulation, 1933, or the Mysore Minor Municipalities Regulation, 1933, or with any District Board, or with more than one such municipal council or board,

- (i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee ;
- (ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and
- (iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

38. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding one thousand rupees in value, the previous sanction of the Government is required.

(3) In the case—

(a) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(b) of every contract which will involve expenditure not covered by a budget grant,

(c) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

(4) In the case of a contract for the purchase of movable property or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

Sanction of municipal council when requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding two hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds five thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Sanction by committees and individuals empowered.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Mode of executing contracts.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 54 and chapter XIII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory Acquisition of Land.*

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council, of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of Councillors, Officers and Servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the chief officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

42. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Officer or servant of any municipal council not to be interested in any contract with such municipal council

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Effect of acquiring such interest.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (i), (ii) and (iv) of clause (c) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Saving clause.

43. (a) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

(b) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (i), (ii) and (iv) of clause (c) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor, shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

44. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specific term and discharged at the end of it,

Notice to sweepers and scavengers before discharge,

penalty for
withdrawal
of sweepers
and
scavengers
without
notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application
of sub-
sections (1)
and (2) to
other
municipal
servants.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Municipal
councillors,
etc., to be
deemed
public
servants.

45. (1) Every municipal councillor, officer or servant every auditor appointed under section 184 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BY-LAWS.

Municipal
councils to
make rules.

46. Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 204 and may from time to time alter or rescind them—

Regulating
the conduct
of business.

(a) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the
functions of
the president
and the
establishment.

(b) (i) determining, the executive functions to be performed by the president, vice-president, the chairman of any committee, or the chief officer and the delegation of any of its powers or duties to such persons;

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other

allowances of such officers and servants, and the powers and duties delegated to them under section 35 ;

(c) generally for the guidance of its officers and servants in all matters relating to the municipal administration ;

For general guidance of municipal servants ;

(d) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security ;

Fixing the amount of the security to be furnished.

(e) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant ;

Determining mode of appointing, etc., municipal servants ; delegating power to appoint, etc.

(f) regulating the grant of leave to officers or servants and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave ;

Granting leave to municipal servants ;

(g) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants ;

Contributing to provident funds.

(h) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licenses or permissions granted under section 78, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 92 shall be held ;

Prescribing the taxes, etc., to be levied for municipal purposes.

(i) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted.

For writing off amounts due and remitting fees.

Provided that—

Approval
required to
rules.

(i) no rule made or any alteration or rescision of a rule made by a municipal council under this section shall have effect, unless and until it has been approved by the Government.

(ii) no municipal council shall unless with the assent of the Government dispense with the service of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dispense from the service of the municipal council any officer transferred from the service of the municipal council to the service of the Government.

Power to
suspend,
reduce or
abolish any
existing tax.

47. (1) Subject to the requirements of proviso (i) to section 46, every municipal council may, except as otherwise provided in clause (b) of the proviso to section 81, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending altering or rescinding, any rule prescribing such tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescision of any rule prescribing a tax.

Power to
make by-
laws.

48. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Regulation—

For markets
and slaughter-
houses, etc.

(a) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; for regulating the sale of fruit and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For licensing,
regulating
and inspect-
ing certain
businesses.

(b) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of

fish, or as a market for the sale of fruit or vegetables ;

(iii) for any of the purposes mentioned in section 158 ;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters ;

(v) as a place for the preparation or manufacture of oils ; or

(vi) for any other purpose for which the taking out of a license is or may be prescribed ;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious offensive, or dangerous effect arising or likely to arise therefrom ;

(c) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health ;

Regulating the stalling of cattle, etc.

(d) (i) for the inspection of milch-cattle ; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

For regulating dairies and cattle-sheds.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter ;

Milk-stores, etc.

(e) for the inspection of instruments for weighing and weights and measures under section 153 ;

For inspection of weights and measures
For the registration of births.

(f) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective ;

(g) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being

Regulating the disposal.

had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead ;

For enforcing information as to epidemics.

(h) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 154 and 155 ;

For enforcing information as to liability to municipal taxation.

(i) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein ;

(j) for the numbering and registration of any vehicle liable to taxation under this Regulation ;

Octroi by-laws.

(k) fixing octroi limits and stations ; providing for the exhibition of tables of octroi ; requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn ; regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality ; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made ;

Terminal Tax.

(l) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax ;

For protecting water.

(m) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality ; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not ;

EXPLANATION.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(n) regulating the use of public bathing and washing places within municipal limits ;

- (o) regulating sanitation and conservancy ; For conservancy.
- (p) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (c) of section 58 ; For constructing houses for the poor.
- (q) regulating the disposal of carcasses of dead animals ; For the disposal of carcasses.
- (r) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health ; Regulating structures and buildings.
- (s) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose. For regulating construction or use of buildings.
- (t) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets ; For providing for streets.
- (u) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ; For ensuring ventilation.
- (v) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess pools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not ; Control of drains.
- (w) determining the information and plans to be required by the municipal council under section 109 ; Requiring information and plans in certain cases.
- (x) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles For controlling unwieldy traffic.

or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws ;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street ;

Public parks.

(y) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;

For licensing factories, the use of steam whistles.

(z) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, as defined in the Mysore Factories Regulation, 1914, or for the use of whistles and trumpets operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed ;

(aa) generally for the regulation of all matters relating to municipal administration.

Fines may be imposed for infringement of by-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

Publication of drafts of proposed by-laws.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Objections and suggestions to be submitted to Government.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times and printed copies thereof and of this Regulation in Kannada shall be kept on sale at cost price.

Rules and by laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

50. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Power to acquire and hold property.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and, control, and shall be held and applied by it as trustee subject to the provisions and for the purposes of this Regulation; that is to say—

Property vested in the municipal council.

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(d) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(e) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes ;

(f) all public streets and the pavements, stone^s and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to
Government
to resume
property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal
fund.

51. All money received by or on behalf of the municipal council by virtue of this or any other Regulation ; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Regulation ; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property ; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section :

Provision as
to special
trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Application
of municipal
fund and
property.

52. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 55, 56 and 58 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

Power to
deposit and
invest sur-
plus funds.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1) be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Surplus not so deposited or invested how to be dealt with.

54. A municipal council may in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.

Power of municipal councils to borrow money.

CHAPTER VI.

OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPAL COUNCILS.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

Duties of municipal councils.

- (a) lighting public streets, places and buildings;
- (b) watering public streets and places;
- (c) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not; removing noxious vegetation; and abating all public nuisances;
- (d) extinguishing fires, and protecting life and property when fires occur;
- (e) regulating or abating offensive or dangerous trades or practices;
- (f) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government;
- (g) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;
- (h) acquiring and maintaining, changing and regulating places for the disposal of the dead;
- (i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets,

slaughter houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams, and the like ;

(j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;

(k) naming streets and numbering houses ;

(l) registering births and deaths, ;

(m) public vaccination ;

(n) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph ;

(o) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(p) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 135 of this Regulation ;

(q) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits ;

(r) housing and maintaining destitute orphans and destitute cripples ;

(s) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit ;

(t) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Regulation or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

56. Subject to such reasonable provision as is mentioned in section 55, every municipal council shall make reasonable provision for the following special matters, namely :—

(a) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease ;

(b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of those sections or may declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

Power of Government to exempt municipal council from any of the duties.

58. Municipal councils may, at their discretion provide out of the said property and fund, either wholly or partly, for—

Discretionary power of expenditure of municipal council.

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(b) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest houses and other public buildings;

(c) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(d) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(e) granting loans to encourage local arts and industries;

(f) planting and maintaining roadside and other trees;

(g) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(h) making a survey;

(i) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 158;

(j) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(k) establishing and maintaining a farm or factory for the disposal of sewage;

(l) providing music for the people;

(m) the promotion of public health or infant welfare;

(n) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(o) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality ; and

(p) the organisation or maintenance during scarcity of shops or stalls for the sale of necessities of life ;

(q) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Regulation, expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrange-
ments pur-
porting to
be binding
permanently
or for a term
of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution, a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months, notice of its intention so to do to the manager or managers of such institution.

Management
of public
institutions
maintained
by municipal
councils to
vest in it.

60. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

Taxes which
may be
imposed.

61. Any municipal council—

(a) after observing the preliminary procedure required by section 62, and

(b) with the sanction of the Government, and subject to such modifications or conditions as under section 63 the

Government in according such sanction deems fit, may impose, for the purposes of this Regulation, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI, that is to say,—

(i) a rate on buildings or lands or both situated within the municipality ;

(ii) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ;

(iii) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;

(iv) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein ;

(v) a terminal tax on goods imported or exported from the terminal tax limits :

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time ;

(vi) a tax on dogs kept within the said municipality ;

(vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(viii) a general sanitary cess for the construction or maintenance or both construction and maintenance of public latrines, and for the removal and disposal of refuse ;

(ix) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(x) a lighting tax ;

(xi) a tax on arts, professions, trades and callings and on offices and appointments ;

(xii) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (xi) in respect of the business or professions carried on in the shop or place ;

(viii) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (a) of section 62.

Provided that—

(a) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit ;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit ;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose ;

(b) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja ;

(c) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody ;

(d) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Regulation ;

(e) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force for the performance of their official duties ;

(f) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers. and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess ;

(g) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

62. A municipal council before imposing a tax shall observe the following preliminary procedure :—

Procedure
preliminary
to imposing
tax.

(a) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61 and prepare rules for the purposes of clause (h) of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make ;

(ii) the amount or rate at which the municipal council proposes to assess each such class ;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed ;

(iv) all other matters which the Government may require to be specified therein.

(b) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of Schedule VII prefixed thereto.

(c) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the municipal council ; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon ; and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to
sanction,
modify and
impose con-
ditions.

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(a) without modification, or

(b) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication
of sanctioned
rules with
notice.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given :

Provided that—

(a) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and,

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,

(b) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i)

recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(c) if the levy of a tax, or of a special portion of a tax has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and Liability to Rates.*

65. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor. Appointment of assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Regulation and shall bear all expenditure incidental thereto.

66. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing— Preparation of an assessment list.

- (a) the name of the street or division in which the property is situated ;
- (b) the designation of the property, either by name or by number, sufficient for identification ;
- (c) the names of the owner and occupier, if known ;
- (d) the annual letting value or other valuation on which the property is assessed ; and
- (e) the amount of the tax assessed thereon.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property. Power to inspect.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature— Returns to be furnished

- (a) as to the name and place of abode of the owner or occupier or of both ;
- (b) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

67. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Regulation, "the holder" of such premises, without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

68. When the assessment list has been completed the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

69. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property if known, and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government the municipal council may delegate this function.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent

- (a) investigate and dispose of the objections,
- (b) cause the result thereof to be noted in the book kept under sub-section (3), and
- (c) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority. Authentification of list.

(6) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published. Custody and inspection of list.

(7) Subject—(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and Authenticated list how far conclusive.

(b) to the result of any appeal made under section 96,

to entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

- (i) for the purposes of all municipal taxes of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and
- (ii) for the purposes of any tax imposed on buildings or lands of the amount of each such tax leviable thereon throughout the official year to which such list relates.

70. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made. Amendment of assessment list.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice Objection how dealt with.

and in the manner provided by sub-section (3) of section 69, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 96, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

New assessment list need not be prepared every year.

71. (1) It shall not be necessary to prepare a new assessment list every year, subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 68, 69 and 70 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

72. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely:—

- (a) if the property is let, from the lessor;
- (b) if the property is sublet, from the superior lessor;
- (c) if the property is unlet, from the person in whom the right to let the same vests:

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due, the same ratio which the rent annually payable by such occupier bears to

the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Remedy of occupier in such case.

73. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the municipal council.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

74. (1) The notice to be given under the last preceding section shall be in the form either of Schedule VIII or Schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

Form of notice.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Regulation, 1903.

75. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Name of transferee to be substituted in the municipal registers.

76. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 97 for the recovery of the taxes due thereupon.

Remission of
tax in case of
vacancies;
when
obligatory.

77. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be :

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discre-
tional.

(2) When any such building or land as aforesaid—

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value, the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of
proof on
claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory
clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge Fees.*

Municipal
council may
charge fee
for certain
licenses.

78. (1) When any license is granted by the municipal council under this Regulation, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal

council, the municipal council may charge a fee for such license or permission.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Regulation or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Levy of fees for unauthorised occupation or projection.

(3) The municipal council may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of section 48 for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Market and other fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Farming of fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

Power of lessee to expel persons who refuse to pay fees.

(4) *Special provisions relating to certain taxes.*

79. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such persons would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Composition of toll.

(2) Every sum claimed by the municipal council as a lumpsum payable under sub-section (1) shall for the purposes of Chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Recovery of sums claimed under this section.

Power of Government to suspend or prohibit levy of objectionable taxes.

80. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

81. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 195 or under section 197 or for the performance of any duties in respect of which it shall have been declared under section 200 to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 61 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62 :

Provided that—

(a) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(b) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(c) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

82. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (k) of sub-section (1) of section 48, after observing the requirements of sub-sections (2) and (3) of that section.

Octroi by-laws to be submitted with proposal for imposition of octroi.

83. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

Power to examine articles liable to octroi.

(a) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Power to search where octroi is leviable.

84. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Presentation of bills for octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor

Penalty for evasion of octroi.

tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid.

85. (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained or having in his possession any such article on which octroi has not been paid shall be liable, on conviction before a magistrate to a fine not exceeding ten times the octroi due on all the articles sold or kept for sale or possessed or one hundred rupees whichever may be greater; and

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises may after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any such article not exceeding two hundred rupees in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the provision of the Criminal Procedure Code.

(3) The provisions of the Code of Criminal procedure shall, so far as may be, apply to all searches and arrests effected under this section.

Tables of tolls to be shown on demand.

86. Every municipal council imposing any toll under this Regulation shall cause to be kept at each place, where such toll is to be collected, a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made,

87. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII.

Power to seize vehicle on non-payment of octroi or toll.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Notice of sale.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Release of property on payment.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was then seized, and, if no such application is made, shall be the property of the municipal council.

Surplus how dealt with.

88. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of
tolls.

89. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Regulation by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 87; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

Presentation
of bill for
taxes.

90. (1) When any amount—

(a) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or

(b) which, not being leviable under sub-section (1) of section 87, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of
bill.

(2) Every such bill shall specify—

(a) the period for which, and

(b) the property, occupation or thing in respect of which,

the sum is claimed, and shall also given notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of schedule X, or to the like effect.

If bill not paid within fifteen days, notice of demand to issue.

91. (1) If the person on whom a notice of demand has been served under section 90, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

In what cases warrant may issue.

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, if any, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 96 against the demand, such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of schedule XI or to the like effect, by distress and sale of the moveable property of the defaulter.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by the chief officer, if any.

Warrant by whom to be signed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, or in a place which is not a municipality constituted under the aforesaid Regulations, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the taluk as the case may be provided that such president or Amildar may endorse such warrant to a subordinate officer.

To whom the warrant should be addressed.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is

Power of entry under special order.

liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance.

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how
to be exe-
cuted.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any moveable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(a) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(c) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of schedule XII.

Sale of goods
distrained in
special cases.

92. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Sale of property distrained; application of proceeds of sale.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

Surplus, if any, how dealt with.

93. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 92.

Distraint and sale outside the municipality.

94. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

Summary proceedings may be taken against persons about to leave the municipality.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the moveable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of

demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

**Fees and
costs
chargeable.**

95. Fees for—

(a) every notice issued under sub-section (3) of section 90,

(b) every distress made under sub-section (5) of section 91, and

(c) the costs of maintaining any live-stock seized under the said sub-section, shall be chargeable at the rates, respectively, specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 92.

**Appeal to
magistrates.**

96. (1) Appeals against any notice of demand issued under sub-section (3) of section 90, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(a) the appeal is brought within one month next after service of the notice of demand complained of; and

(b) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say :

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council, as the case may be within the time fixed in the notice given under section 69 or 70 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 90, to the municipal council within fifteen days next after the presentation of such bill, and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

**Revision of
decisions on
appeal.**

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

97. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 72, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes :

Liability of land, buildings, etc., for rates.

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

98. The Government may at any time by notification suspend the operation of sections 91 and 92, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 170 for the recovery of such fines as are therein referred to, and not otherwise.

Suspension of power to recover by distress and sale.

99. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

Receipts to be given for all payment.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

100. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 38, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation.

Power regarding street, etc.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any

public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Temporary
closure of
streets.

101. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Regulation:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

The regular
line of public
street.

102. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

Provided that—

(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the Official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(b) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(c) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (a) Except under the provisions of section 123, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 109.

(b) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(c) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 168, shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (b) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (b).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(a) direct that the building be stopped, and

(b) by a written notice, require such building, or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

103. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 102, or beyond the front of the building on either side thereof, the municipal council may, Setting back
projecting
buildings

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burnt down or has fallen down, require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 168, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 128 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 128, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

104. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

105. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

106. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Roofs and external walls of buildings not to be made of inflammable materials.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the municipal council.

Power to require removal of roof and wall if inflammable.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Penalty.

107. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council.

Level of building.

108. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Rat-proof building for warehouse for storing grain.

109. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 103 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 102 to give permission, the person

Notice of new buildings.

intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of
municipal
council to
pass orders.

(2) Save as otherwise provided in this Regulation or the rules and by-laws thereunder, the municipal council may—

(a) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(b) impose in writing conditions, in accordance with this Regulation and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(c) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (c)—

(i) shall apply only to buildings on sites not laid out by the municipal council or other competent authority ; and

(ii) shall not be in force after six months from the date on which the direction is given.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(a) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) may demand further particulars.

Or to suspend the work or to require further particulars.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say :—

Right to proceed in certain cases.

(a) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars ;

(b) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may—

(a) direct that the building, alteration, or addition be stopped, and

(b) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building

without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression “to erect a building” throughout this chapter includes—

- (a) any material alteration, enlargement or re-construction of any building,
- (b) the conversion into a place as human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and
- (f) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

110. (1) Notwithstanding anything contained in section 115, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf :

Provided that such permission shall not be refused in the case of land which has been set apart as a building site

by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

111. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit. Regulation of huts.

112. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason Improvement of huts.

(a) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(b) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(c) of the impracticability of scavenging, attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same :

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 168.

(3) *Powers connected with drainage, water-works, etc.*

Municipal
control over
rains, etc.

113. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of

ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

114. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

Powers for making drains.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 168 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

115. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

Sufficient drainage of houses.

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(b) a covered cesspool to be provided by such owner.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

New buildings not to be erected without drains.

(a) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building ;

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such

appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

116. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Provision of privies, etc.

117. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may

direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

118. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

Cost of altering, repairing and keeping in proper order privies, etc.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which, in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

119. The municipal council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

(a) after such land became part of a municipality, and

(b) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped, shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

120. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such

Encroachment on municipal drains, etc.

person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

121. The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

Power of carrying water mains, etc.

122. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

123. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any

such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

Removal of projections.

(a) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof :

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 168.

124. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Troughs and pipes for rain water.

125. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity

Fixing of brackets, etc., to houses.

for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming
streets and
numbering
houses.

126. (1) The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Removal and
trimming of
hedges, trees,
etc.

127. The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health,
safety and convenience.*

Ruinous or
dangerous
buildings.

128. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured.

Action to be taken on default by owner or occupier.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Proviso if danger is not imminent.

129. (1) The municipal council may at any time by written notice require that the owner of or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

(a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(d) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the municipal council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(e) desist from using and from permitting others to use, for drinking purposes any such source of water-supply

which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking ; or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid ; or

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy or non-compliance with direction issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of subsection (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control, may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

130. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal

lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

131. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

Obstruction
and encroach-
ments upon
public streets
and open
spaces.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 123, or in any case where permission has been given under sub-section (4) of this section.

Hoardings to
be set up
during
repairs, etc.

132. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work,

(a) first obtain a license in writing from the municipal council so to do, and

(b) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and
lighting dur-
ing repairs,
etc.

133. (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

134. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

Timber not to be deposited or hole made in a street without permission.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

135. (1) The municipal council may, by public notice, require that every dog while in the streets and not being led by some person, shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

Provision as to dogs.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of

any dog which has been taken possession of or detained in the manner provided by chapter VIII.

(6) *Powers for the prevention of nuisance.*

Depositing
dust, etc.

136. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthen-ware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging
sewage, etc.

137. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal
of filth, etc.

138. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the

filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

139. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

Filthy buildings, etc.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation, it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

140. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Power to enter and inspect, etc., buildings.

141. (1) If in the opinion of the municipal council—

(a) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

Abatement of nuisances from wells, etc.

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill

up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (a) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(b) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

Regulation
or prohibi-
tion of
certain kinds
of cultiva-
tion.

142. The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Using offen-
sive manure,
etc.

143. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering
cattle, etc.

144. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Keeping swine.

145. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Feeding animals on filth.

146. (1) It shall be lawful for the municipal council to publish by a notification in the *Official Gazette* that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein ;

Licenses to be taken for burning bricks.

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of markets, sale of food, etc.*

147. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (b) of sub-section (1) of section 48 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

Licensing markets, slaughter-houses and certain businesses.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon

appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening,
closing and
letting of
markets and
slaughter-
houses.

148. (1) The municipal council may from time to time open or close any public market or slaughterhouse. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughterhouses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-
houses, etc.
beyond muni-
cipal limits.

149. It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughterhouses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for
shops for sale
of European
drugs.

150. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Regulation or if the shop or place is established after the commencement of this Regulation then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Certificated
dispensers.

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the Official Gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognised by such pharmacopœia are dispensed upon prescription.

151. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 150, shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

Uncertifica-
ted person
dispensing
drugs.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 150, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Official Gazette by the Government.

152. (1) The president or any person authorised by the municipal council in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals,

Unwholesome
articles of
food and
drink.

and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (5).

(5) If any animal, article or drug is brought before a magistrate under sub-section (4), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights
and measures
and instru-
ments for
weighing.

153. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use ; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of dangerous diseases.*

154. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

Powers which may at any time be exercised.

(2) The powers, which may be exercised under the preceding sub-section are :—

(a) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf ;

(b) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place ;

(c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease ;

(d) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council ;

(e) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from

a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf ;

(f) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep or goats.

155. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the out-break or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

156. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of magistrate.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner

of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

157. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

Closing
places for
disposal of
the dead.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the Official Gazette and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation
of certain
trades.

158. (1) If it be shown to the satisfaction of the municipal council that any building or place used or intended by any person to be used

- (a) for boiling or storing offal, blood, bones or rags
- (b) for salting, curing and storing fish ;
- (c) for storing hides, horns or skins ;
- (d) for tanning ;
- (e) for the manufacture of leather or leather goods ;
- (f) for dyeing ;
- (g) as a brick, pottery or lime kiln ;
- (h) for soap-making ;
- (i) for storing hay, straw, fodder, wood, coal or other combustible material ;
- (j) as a quarry ;
- (k) as a cart-stand ;
- (l) for storing grain for trade purposes ;
- (m) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire,

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may, by written notice, require the owner or occupier—

- (i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or
- (ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to
penalty after
notice.

(2) Whoever, after notice has been given under subsection (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine, which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Penalty for unlicensed places in a municipality in which by-laws under section 48 (1) (b) (iii) are in force.

159. (1) In any municipality to which by a notification in the Official Gazette this section is made to apply by the Government, no person shall establish in any premises, any factory, as defined in the Mysore Factories Regulation, 1914, without the previous written permission of the municipal council.

Factories in crowded localities.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory, in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the term of any by-laws framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

160. (1) In any municipality to which by a notification in the Official Gazette this section is made applicable by the Government, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

Use of siren or whistle for summoning or dismissing workmen.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at

any time withdraw such license on giving one month's notice to the licensee.

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

Brothels.

161. In any municipality to which, on the application of the municipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Provided that action under this section shall be taken only—

(a) with the sanction or by the order of the District Magistrate, or

(b) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of
notices, etc.,
addressed to
individuals.

162. (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

(a) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(b) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill

to, some adult male member or servant of his family ; or

- (c) if such person does not reside within the municipal limits, and his address elsewhere is known to the President or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or
- (d) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation, shall be effected either—

Service of notices, etc., on owners and occupiers of buildings and lands.

- (a) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or
- (b) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or
- (c) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Regulation requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Public and general notices how to be published.

Defective
form not to
invalidate
notice or bill.

Execution of
acts required
to be done by
any notice.

(4) No notice or bill shall be invalid for defect of form.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 169.

Punishment
for disobedience of
orders and
notices not
punishable
under any
other section.

163. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

Municipal
council in
default of
owner or
occupier may
execute work
and recover
expense.

164. (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII either in one sum or by instalments as the municipal council may deem fit.

2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Power to levy charges on occupier, who may deduct the same from his rent.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Occupiers not to be liable for more than the amount of rent due.

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

165. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier in default of owner, may execute works and deduct expenses from his rent.

Proceedings
if any, occu-
pier opposes
the execution
of the Regu-
lation.

166. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order ; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day, during which, he so continues to refuse be punished with fine which may extend to fifty rupees ; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for
purposes of
the Regula-
tion.

167. It shall be lawful for the president, vice-president, chief officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land.

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Determina-
tion of com-
pensation in
certain cases.

168. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary, the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer, by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case, where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

169. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary the apportionment of the same shall, save where it is otherwise expressly provided in this Regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Costs or expenses how determined and recovered.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

170. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Municipal council may prosecute.

Provided that no prosecution for an offence under this Regulation or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

(2) Any prosecution under this Regulation or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Jurisdiction of magistrate

Power to
compound
offences.

171. A municipal council may—

(a) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence ;

(b) withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder ;

(c) compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable.

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation
for distraint,
etc.

172. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress
lawful
though
defective in
form.

173. No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to
municipal
property how
made good.

174. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative
procedure
by suit.

175. In lieu of any process of recovery allowed by or under this Regulation or in case of failure to realise by such process the whole or any part of any amount

recoverable under the provisions of chapter VIII, or of any compensation, expenses, charges or damages payable under this Regulation, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

176. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient. Power of compromise.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Regulation.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

177. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person, an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections, superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders. Assistance for the recovery of rent on land

178. (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, Limitation of suits, etc

officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode ; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of
police
officers.

179. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained :

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition
of expendi-
ture not
budgetted
for.

180. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(a) refunds of taxes and other moneys which the municipal council is authorised by the Regulation or the rules made thereunder to make ;

(b) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(c) sums which the municipal council is required or empowered by this Regulation to pay by way of compensation ;

(d) every sum payable—

(i) under sections 195 and 203 by order of the Deputy Commissioner and under sections 196, 197, 198, 200 and 203 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim ;

(e) expenses incurred in the exercise of power conferred by clause (a) of section 56 and sections 154 and 155 ;

(f) all contributions payable by the municipal council to the Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

181. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Presentation
of accounts.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal council shall be sent to the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

Budget
estimate.

(3) In such budget estimate, the municipal council shall, among other things--

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by ~~this~~ Regulation or any other law ;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it ;

(c) provided for the payment of all sums payable to the Government under sections 196 and 197, and of all contributions, for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities ;

(d) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of
budget.

182. If in the course of the official year the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government,

(a) no reduction shall be made in the amounts allotted for the several items specified in clauses (b) and (c) of sub-section (3) of section 181, and

(b) the closing balance shall not be reduced below the sum fixed under clause (d) of sub-section (3) of section 181.

Maintenance
of accounts
and restric-
tions on
expenditure.

183. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

184. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by **an auditor appointed by the Government** and also by such other agency, if any, as may be prescribed in the rules of the municipal council. Audit of accounts.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon, and in the case of a Government auditor such charges as may be prescribed by the Government.

185. The Government auditor may—

Powers of Government auditor.

(a) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

(b) by written requisition require any person accountable for, or having the custody or control, of any such document to appear in person before him ; and

(c) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

186. (1) The Government auditor shall—

Duties of Government auditor.

(a) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts ;

(b) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts ; and

(c) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste ;

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor. Municipal council to remedy defects.

Disallowance
by Govern-
ment auditor
and order
by Deputy
Commis-
sioner.

187. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from
order of
Deputy
Commis-
sioner.

188. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of
amounts
disallowed.

189. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission
of accounts
to Govern-
ment.

190. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

191. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

Annual administration report.

The President shall prepare the report and place it before the municipal council for consideration, and forward it to the Deputy Commissioner with the resolution of the council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Deputy Commissioner, may direct.

CHAPTER XII.

CONTROL.

192. (1) The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

Powers of inspection and supervision.

(a) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction ;

(b) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish ;

(c) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

(2) All or any of the powers given to the Deputy Commissioner by this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any municipal council in such taluk.

Deputy Commissioner's power of inspection of offices of municipal councils.

193. The Deputy Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council.

Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.

194. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

195. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 194 shall apply, so far as may be, to any order made under this section.

196. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

Agency for
execution of
Public
Works.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

197. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time after consulting the municipal council,

Special provision in
regard to
works executed by
Government.

(a) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, or safety of the inhabitants, whether within any municipality or without it wholly or in part;

(b) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(c) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation;

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the

Government
inquiry into
municipal
matters.

municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (c) of the preceding sub-section.

198. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

EXPLANATION.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of
Government
to prevent
extravagance
in the em-
ployment of
establish-
ment.

199. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the

requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

(2) It shall be lawful for the Government—

- (i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council ;
- (ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council ;
- (iii) to require that any person appointed to be a chief officer shall be invested by any such municipal council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 211 ;
- (iv) to require that all or any of the powers referred to in section 154 shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

Government may require any town municipal council to appoint a health officer or an engineer.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case, prescribe in that behalf.

200. (1) When the Government is informed on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

Power of Government to provide for performance of duties in default of municipal council.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing

it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

201. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority, to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

202. (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(a) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors ;

(b) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(c) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Power after enquiry to continue period of supersession.

203. (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled—

Disputes between a municipal council and one or more local authorities.

(a) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council or a village panchayet or a minor municipal council as defined in the Mysore Minor Municipalities Regulation, 1933, in the same district and his decision shall be final; and

(b) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

204. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Powers of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(b) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected ;

(ii) for prescribing the qualifications of voters and of candidates ;

(iii) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing the restrictions, if any, on the number of votes which a voter may give ;

(iv) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie ;

(v) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll ;

(vi) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited ;

(c) for the regulation of all or any of the matters specified in clauses (b), (c), (e), (f), (g) and (h) of section 46 ;

(d) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(e) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances

on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances ; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants ;

(f) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom ;

(g) for the proper management and maintenance of any work constructed under section 197 and for the regulation of all matters and things connected therewith ;

(h) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned ;

(i) as to the transfer to municipal councils the management of any institution not otherwise provided for by this Regulation ;

(j) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass ;

(k) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports ;

(l) for the regulation of all matters connected with the grant of permission under section 110 ;

(m) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the Official Gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to cancel or modify by-laws and rules of municipal councils.

205. (1) The Government may at any time by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council.

Provided that before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

206. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

207. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

208. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF OFFICERS.

Appointment of chief officer.

209. (1) Any municipal council may, and when required by the Government by an order in this behalf shall within such time as may be fixed therein, appoint a chief officer for the municipality.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(a) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(b) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

210. The chief officer shall—

(a) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Regulation ;

Duties of
chief officer.

(b) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors ;

(c) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property ;

(d) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon ; and

(e) subject to the rules prescribed in this behalf under section 204 and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (b), (f) and (g) of sub-section (1)

of section 24 and in clause (e) of the same sub-section in regard to the officers and servants of the municipal council.

Powers of
chief officer.

211. The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Regulation :—

(a) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Regulation, other than licenses for markets or slaughterhouses ;

(b) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license ;

(c) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ;

(d) he may, subject to the control of the president and to the provisions of section 38—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(e) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 74,

section 78, sub-sections (2) and (3),

section 83,

section 87, sub-sections (3), (4) and (5),

section 89, proviso to sub-section (2),

section 90,

section 91,

section 92,

section 94,

section 96, sub-section (3),
section 107,
section 109, sub-sections (2), (3) and clause (a) of
sub-section (6).
section 111,
section 113,
section 116,
section 120, sub-section (1),
section 121,
section 124,
section 125,
section 127,
section 128,
section 129,
section 130,
section 131,
section 132,
section 133,
section 134,
section 135,
section 136,
section 137,
section 139, sub-section (1),
section 140,
section 143,
section 147, sub-section (3),
section 152,
section 153,
section 154, sub-section (2),
section 162, and
section 163.

212. The chief officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

Chief officer's
powers of
appointment
and punish-
ment.

(a) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post ;

(b) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant.

Provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Chief officer
may make
explanations
at meetings.

213. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

SCHEDULE A.

ENACTMENTS REPEALED.

(See Section 2.)

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE I.

[Section 61, Clauses (i), (vi) to (x) and (xiii).]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL TAX, TAXES
ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS,
TRADES AND CALLINGS AND SHOP TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(ii) Buildings or lands or both not falling under (i)—	
(a) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(b) In other municipalities	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.
B. Tax on dogs	One rupee per head.
C. Special sanitary cess	Rates that may be notified by the Government from time to time.
D. General sanitary cess	Do do
E. Water rate or water rates	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax	One-third of the rate leviable under item A.
G. Other taxes leviable under clause (xiii) of section 61.	Rates to be fixed by the Government in each case.

SCHEDULE II.

[Section 61, Clauses (iv) and (v).]

MAXIMUM RATES OF OCTROI AND TERMINAL TAX.

<i>Taxes</i>	<i>Maximum rates</i>			
A. Octroi—				
Class I—Articles of food or drink for men or animals—	Rs.	a.	p.	
Cocoanuts, fresh	0	0	1	each
Cocoanuts, dry	0	8	0	per maund of 960 tolas
Betel leaves	0	0	1	per bundle of 100 leaves
Sugar	0	4	0	per maund of 960 tolas
Jaggery	0	2	0	per maund of 960 tolas weight.
Ghee	0	8	0	do do
Butter	0	6	0	do do
Oats	1	0	0	per cent <i>ad valorem</i>
Bran	1	0	0	do do
Chaff	1	0	0	do do
Class II—Animals used for slaughter—				
Sheep and goats	0	2	0	per head
Class III—Oils and oil-seeds—				
Kerosene oil	0	2	0	per tin
Other oils	0	2	0	per maund of 960 tolas weight.
Oil seeds	0	4	0	per candy of 160 seers
Class IV—Articles used in the construction of buildings—				
1 Timber—				
(a) Teak, honne and black wood	4	0	0	per ton of 50 cubic ft.
(b) Timber of other kinds	2	0	0	do do
2 Chunam or lime	0	4	0	per cart load
3 Roofing tiles (Mangalore pattern)	1	9	0	per cent <i>ad valorem</i>
Class V—Tobacco	4	0	0	per maund of 960 tolas
Class VI—Piece goods and other textile fabrics and manufactured articles of clothing and dress	0	0	3	per rupee <i>ad valorem</i>
Class VII—Metals	1	9	0	per cent <i>ad valorem</i>
Class VIII—Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2	0	0	do do
B. Terminal tax	Rates to be fixed by the Government from time to time.			

SCHEDULE III.

[See Section 61, Clause (ii).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly.		
	Rs.	a.	p
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more	40	0	0
For every motor car weighing less than 15 cwts.	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See Section 61, Clause (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

						Rs. a. p.
1.	On every motor bus as defined in the motor vehicles rules or motor lorry	..	..	..	..	2 0 0
2.	On every motor car	..	..	..	..	1 0 0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	..	..	..	..	0 4 0
4.	On every four-wheeled carriage	..	..	..	..	0 8 0
5.	On every two-wheeled carriage on springs other than a jutka	..	..	..	..	0 4 0
6.	On every jutka laden	..	..	..	..	0 2 0
7.	On every jutka unladen	..	..	..	..	0 1 0
8.	On every other vehicle with springs including a tricycle or bicycle	..	..	..	..	0 2 0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	..	..	..	..	0 4 0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	..	..	..	..	0 2 0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	..	..	..	..	0 2 0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	..	..	..	..	0 1 0

SCHEDULE V.

[Section 61, Clause (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—	Yearly.
(i) carrying on business as a company;	
(ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents;	
(iii) bankers, money-lenders, money-changers and pawn-brokers;	
(iv) editors and proprietors of newspapers;	
(v) brokers and dealers in securities, shares or bills of exchange;	
(vi) practising barristers, advocates, high court vakils, solicitors, attorneys, pleaders, and law agents;	
(vii) practising medical practitioners of all kinds including hakims and vaidyans;	Rs. 50
(viii) dentists and veterinary surgeons;	
(ix) architects and civil engineers;	
(x) owners and farmers of markets and toll-farmers;	
(xi) keepers of hotels, lodging houses, or boarding houses;	
(xii) builders and surveyors;	
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds;	
(xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers;	
(xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages;	
(xvi) artizans.	

CLASS II.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards	25
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CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12
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CLASS IV.

	Yearly. Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards	8

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards	4
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CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards	2
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CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards	1
--	---

NOTE.—The foregoing classification is subject to the following provisos, namely:—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house, boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF
BUSINESS OR PROFESSION.

[See section 61, clause (xii).]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops.—						
For each shop per year	30	25	20	10	4	2
2. Other places where business or pro- fession is carried on for purposes of profit.—						
For each place per year	30	25	20	10	4	2

SCHEDULE VII.

[See clause (b) of section 62.]

*To be
inserted if
the tax is to
be substituted
for any exist-
ing tax.

Notice is hereby given to the inhabitants of the municipality ofthat the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page.....of the sanctioned rules.]*

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (a) of section 62 are to be appended here.]

SCHEDULE VIII.

[See Section 74.]

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the president of the _____ municipal council.
I, A. B., hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 1933, of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of property				If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

SCHEDULE IX.

[See Section 74.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the _____ municipal council.
I, A. B., hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 1933 of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

SCHEDULE X.

[See sub-section (3) of Section 90.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of.....
demands from.....the sum of.....
.....due from.....
.....on account of.....(here describe the property or
other subject in respect of which the tax is leviable) leviable under
rule number.....for the period of.....commencing
on the day of.....19.....and ending on the.....
day of.....19, and that if, within fifteen days from the
service of this notice, the said sum is not paid into the municipal
office at.....or sufficient cause for non-payment is not
shown to the satisfaction of the municipal council, a warrant of distress
will be issued for the recovery of the same with costs.

Dated this.....day of.....19 ,

(Signed)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of Section 91.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of
the warrant.)

*Here describe the tax.

Whereas A. B. of.....has not paid, and has
not shown satisfactory cause for the non-payment, of the sum of....
.....due for the tax*.....mentioned in
the margin for the period commencing on the day of 19 and ending
with the day of 19 and leviable under rule number

And whereas fifteen days have elapsed since the service on him of
notice of demand for the same;

This is to command you to distrain, subject to the provisions of
section 91 of the Mysore Town Municipalities Regulation, 1933
the goods and chattels of the said A. B. to the amount of , being
the amount due from him, as follows:—

	Rs. a. p
On account of the said tax
For service of notice

and forthwith to certify to me together with the warrant all particulars
of the goods distrained by you thereunder.

Dated this.....day of.....19 ,

(Signed)

President (or as the case may be), see section 91 (2)

SCHEDULE XII.

[See clause (c) of sub-section (5) of Section 91 and sub-section (1) of Section 87.]

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at.....

* Here describe the tax.

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax *.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this day of 19

executing the warrant.

Signature of Officer collecting octroi.
collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)

* REGULATION IX OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS ON THE
28TH DAY OF JUNE 1933.)

THE MYSORE MINOR MUNICIPALITIES REGULATION.

A Regulation to make better provision for the Administration of small municipalities in Mysore.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 1933.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of August 1933.

Repeal.

2. On this Regulation coming into force the enactments mentioned in schedule A shall be repealed in so far as they relate to minor municipalities.

Provided that—

Saving clause.

(a) The said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ;

(b) all minor municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules and orders made,

* Published by Notification No. P. 264—Legis. 62-31-4 dated 14th July 1933.

For discussions in the Representative Assembly, see Proceedings of the Assembly, October 1931—pp. 124-127 ; 277-284.

For debates in the Legislative Council, see Proceedings of the Council, December 1931—pp. 178-182; December 1932 pp. 110-112 June 1933 pp. 22.

For report of the Select Committee see *Mysore Gazette*, dated 17th November 1932.

For statement of objects and reasons see *Mysore Gazette*, dated 19th May 1932.

notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed shall, so far as may be and so far as they relate to minor municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

3. In this Regulation, unless there be something repugnant in the subject or context—

Interpreta-
tion section.

(1) "Amildar" includes a Deputy Amildar;

(2) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like;

(3) "councillor" shall mean any person legally a member of a municipal council;

(4) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, or infectious disease by which the life of man is endangered;

(5) "land" shall include land which is built upon or covered with water;

(6) "municipal council" shall mean the council of a minor municipality;

(7) "municipality" shall mean any local area which is at present a minor municipality and any local area which may hereafter be constituted or declared as a minor municipality under sections 4 and 5 if such municipality has not ceased to be a minor municipality;

(8) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is, or may be dangerous to life or injurious to health or property;

(9) "official year" shall mean the year commencing on the first day of July;

(10) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive

100

the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(11) "prescribed" means prescribed by any rule made by the Government under this Regulation;

(12) "public securities" shall mean—

- (a) securities of the Government of India,
- (b) securities of the Government of Mysore,
- (c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(d) a security expressly authorised by any order which the Government makes in this behalf.

(13) "public street" shall mean any street—

- (a) over which the public have a right of way; or
- (b) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds.

(14) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of salary from the Government who is not a full-time servant of the Government;

(15) "street" shall mean any road, footway, square, court, alley, passage or vacant space, accessible whether permanently or temporarily to the public, whether a thoroughfare or not;

(16) "taluk" includes a sub-taluk;

(17) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation;

(18) "vehicle" shall include bicycles, tricycles, auto-motor cars and every wheeled conveyance which is used or capable of being used on a public street;

(19) "whole number" shall mean when used with reference to the councillors of a municipal council the total number of councillors holding office at the time.

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) The Government may, by notification in the Official Gazette and by proclamation in the area concerned propose with effect from a date specified therein to declare any local area with a population of not less than three thousand according to the latest census to be a minor municipality, or from time to time, to extend, contract or otherwise alter the limits of any such municipality or to declare that any local area shall cease to be a municipality.

Procedure for
constituting
a minor
municipality

(2) Any inhabitant desirous of preferring any objection to a notification issued under sub-section (1) may, within three months from the date of its publication in the Official Gazette, submit his objection in writing through the Deputy Commissioner to the Government.

(3). After the expiry of three months from the date of the publication of the notification in the Official Gazette and consideration of such objections as may have been submitted to it, the Government may, by notification, declare the local area to be or to cease to be a municipality or to be excluded from or included in a municipality for the purpose of this Regulation.

(4) When two or more places bearing different names are formed into one municipality, the name of the Municipality shall be determined by the Government.

Naming of
municipali-
ties compris-
ing two or
more places.
Conversion of
town municipa-
lities
into minor
municipali-
ties.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections if any, declare by notification in the Official Gazette that any town municipality constituted under the Mysore Town Municipalities Regulation, 1933, which contains a population of not less than three thousand inhabitants be deemed to be a minor municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Town Municipalities Regulation, 1933, shall not apply to any municipality declared as a minor municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued or imposed under the Mysore Town Municipalities Regulation,

1933, in respect of a municipality declared as a minor municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the minor municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made or issued under this Regulation or such other law.

(4) Before any town municipality is constituted into a minor municipality, the procedure prescribed in section 4 shall, as far as may be, be followed.

(5) The property, rights and liabilities of a municipal council of a municipality declared as a minor municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

Municipal
Government
to vest in
municipal
council.

6. (1) Except as in this Regulation otherwise expressly provided, there shall be a municipal council for every municipality, and the municipal government of every municipality shall vest in the municipal council.

Incorporation
of
municipal
councils.

(2) The municipal council, shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Constitution
of municipal
councils.

(3) (a) The municipal council shall consist of councillors elected in accordance with the rules prescribed and of councillors, if any, appointed by the Government by name or by office.

(b) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than two-thirds of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(c) If a councillor is appointed by office, the person for the time being holding the office, shall be a councillor.

(d) Any vacancy among councillors due either to want of candidates or to failure to elect the required number of councillors which under this section or section 15 or 16 may be elected, may, notwithstanding anything contained in this Regulation, be filled up by the Govern-

ment appointing a person qualified to be elected and any person so appointed shall be deemed to be a councillor as if he had been duly elected.

(e) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the "two-thirds of the number" mentioned in clause (b) shall be exclusive of such president.

(4) The names of all councillors, presidents and vice-presidents finally elected or appointed to any municipal council shall be published, as soon as conveniently may be, in the Official Gazette.

Publication of names of councillors, presidents and vice-presidents in the Official Gazette.

7. Every person who has completed twenty-one years of age and has been residing in the municipality for a period of not less than six months prior to the date of the election shall be entitled to vote at an election of members of the municipal council.

Qualification of voters.

8. Every person who is entitled to vote at a municipal election and who is not disqualified to be a councillor shall be qualified to be elected as a councillor.

Qualification of candidates

9. (1) (A) No person may be a councillor—

(a) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

General disqualifications for becoming a councillor.

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 1933, or under section 14 of the Mysore City Municipalities Regulation, 1933, or

(b) who is an undischarged insolvent, and

(B) no person—

(a) who is a subordinate officer or servant of a municipal council, or

(b) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, may be a member of such municipal council.

Provided that—

(a) the disqualification in sub-clause (ii) of clause (A) (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(b) the disqualification in sub-clauses (i) and (iii) of clause (A) (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government ;

(c) the disqualification under clause (B) (b) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities
from
continuing
a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(a) becomes subject to any disqualification specified in clauses (A) (a), and (b) and (B) (a) of sub-section (1), or

(b) acquires any such share or interest as is specified in clause (B) (b) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or

(c) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(d) fails to pay any arrears of any kind due by him to the municipal council within three months, after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

(3) A councillor whose office has become vacant under sub-section (2) shall, if his disability has ceased, be eligible for re-election or re-appointment.

(4.) If any question, dispute, or doubt arises whether any vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute, or doubt.

10. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

Every municipal council to have a president and if the municipal council so desires, a vice-president.

(2) The president may be—

- (a) appointed by the Government by name, or
- (b) appointed by the Government *ex officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or
- (c) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or
- (d) if the Government so directs, elected by the general body of voters subject to the rules prescribed in this behalf.

President to be appointed or elected.

(3) When an office has been notified under clause (b) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Effect of notification of *ex-officio* president.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Vice-president to be elected.

(5) The Government may, for default of election, appoint the president or vice-president.

Power of Government to appoint the president or vice-president.

(6) During a vacancy in the office of the president and when there is no vice-president to take his place, the Amildar of the Taluk or the person performing the duties of the Amildar for the time being, shall exercise all the powers and perform all the duties of the president and he shall, during such period, be deemed to be a councillor if he is not already a councillor.

Amildar to perform the duties of the president when there is no president and vice-president.

(7) Every president other than a salaried servant of the Government appointed *ex officio* or by name as president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office—

Vacation of office by president and vice-president for want of confidence.

(a) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose ; or

(b) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

Removal of
presidents
and vice-
presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of, or incapacity to perform his duties, or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Vacation of
office by
vice-presi-
dent on
becoming
president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Term of
office of
president
and vice
president.

(10) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the the expiry of his term of office as councillor. Provided that in the case of elected presidents, the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one year and that elections be held therefor every year.

Consequ-
ences of
absence of
president or
vice-presi-
dent without
leave and
limit of
leave.

(11) Except in the case of a salaried servant of the Government who is either an appointed or *ex officio* president, every president and vice-president who, for a period exceeding fifteen days shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the Deputy Commissioner, and no leave shall be granted under this sub-section for a period exceeding three months at one time.

Determina-
tion of vali-
dity of elec-
tions.

11. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (d) of sub-section (2) of section 10, any candidate who stood for election or any ten persons qualified to vote at that election may apply together with a deposit of fifty rupees as security for costs to the Munsiff within the local limits of whose jurisdiction

the election has been or should have been held, for the determination of the validity of the election.

(2) The Munsiff may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the Munsiff may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible be followed in such enquiries. An appeal shall lie to the High Court from the order of the Munsiff, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Munsiff sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Powers of
Munsiff
holding
enquiry.

(3) (a) The Munsiff, if satisfied that a candidate has within the meaning of sub-section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2) and shall set aside the election of such candidate if he has been elected.

Declaration
in case of
corrupt prac-
tice by a can-
didate.

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Munsiff shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected.

Scrutiny of
votes and
declaration
in other
cases.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Munsiff finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

What is a
corrupt
practice.

(i) who with a view to inducing any voter to give

or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

- (ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

Explanation.—“A promise of individual profit” includes a promise for the benefit of the person himself or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (b) of sub-section (2) of section 106 or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election.

Explanation.—The expression ‘error’ in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of the election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the Munsiff sets aside an election under clause (a) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a candidate in that municipality or any other municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore City Municipalities Regulation, 1933, for a term of years not exceeding seven, and the Munsiff’s decision shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further that such person may, by an order which the Government is hereby empowered to make, if

it shall think fit, in that behalf, be at any time relieved from such disqualification.

12. Except as is otherwise provided in this Regulation, councillors appointed or elected at a general election shall hold office from a date to be mentioned in the notification published under sub-section (4) of section 6 for a term of three years extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit so to extend the same.

Term of
office of
councillors.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president, and such resignation shall take effect from the date of the notice.

Resignation
of councillors,
vice-presi-
dents and
president.

The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

14. The Government may, if it thinks fit, on the recommendation of the municipal council supported by at least two-thirds of the whole number of councillors remove any councillor, elected or appointed under this Regulation, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor. Provided that no resolution recommending the removal of any councillor shall be passed by the municipal council unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

Liability of
councillors
for removal
from office.

15. If any casual vacancy occurs in the office of a councillor, president or vice-president, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor, president or vice-president in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual va-
cancies
among coun-
cillors, presi-
dent or vice-
president how
to be filled
up.

16. In the event of a vacancy occurring by increasing the number of councillors in any municipal council, such vacancy shall be filled up as soon as conveniently may be by the election or appointment, as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the Official Gazette.

Casual
vacancies by
increasing
the number
of council-
lors.

Bar of suits,
relating to
elections, etc.

17. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

Meetings.

18. (1) Every municipal council shall hold an ordinary general meeting in each month for the disposal of general business and the president shall fix the dates for all ordinary general meetings. The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call for such meeting for a day not more than thirty days after the presentation of such request.

(2) No business shall be transacted at any meeting of a municipal council unless one-third of the whole number of councillors be present. If there is no quorum, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and the business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting. Provided that the president may in respect of urgent items of business included in the agenda and not considered for want of a quorum at the adjourned meeting, assume and exercise the powers of the municipal council and submit a report of action taken immediately to the Deputy Commissioner.

(3) Every meeting of the municipal council shall be presided over by the president, if he is present or if the president is absent, by the vice-president. In the absence of both the president and the vice-president, such one of the councillors present as may be chosen by the meeting to be chairman for the occasion shall preside over the meeting.

(4) All questions before a municipal council shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes.

(5) No councillor shall vote on, or take part in the discussion of any matter before any meeting of the municipal council, if the question is one in which apart from its general

application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(6) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

(7) The presiding authority shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the presiding authority thereon shall be final.

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within five days from the date of the meeting.

19. Subject to such rules as may be prescribed in this behalf, the municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them ; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them. Committees.

20. (1) A councillor may call the attention of the president to any neglect in the execution of the municipal work, to any waste of municipal property, or to the wants of any locality and may suggest any improvements which he considers desirable and may bring up any motion. Rights and privileges of municipal councillors.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be prescribed by the Government.

(3) Every councillor shall have access during office hours to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

21. Any officer of the Government authorised by the Government or by the Deputy Commissioner in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department. Certain officers entitled to attend and speak at meetings of municipal council.

Bar of suits,
relating to
elections, etc.

17. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

Meetings.

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21. Any officer of the Government authorised by the Government or by the Deputy Commissioner in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department. Certain officers entitled to attend and speak at meetings of municipal council.

Vacancy not
to affect
proceedings.

Act of muni-
cipal councils,
etc., not to
be invali-
dated.

22. (1) During any vacancy in a municipal council the continuing councillors may act as if no vacancy had occurred.

(2) No act or proceeding of a municipal council, councillor or president shall be deemed to be invalid by reason only of some defect in the constitution of such municipal council or the election or appointment of such councillor or president, or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the council was not duly given or by reason of such act or proceeding having been done during the period of any vacancy in the office of the president or councillor or for any other such informality.

CHAPTER III.

FUNCTIONS AND LIABILITIES.

Obligatory
duties.

23. (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

- (a) lighting public streets, places and buildings ;
- (b) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;
- (c) disposing of night-soil and rubbish ;
- (d) extinguishing fires, and protecting life and property when fires occur ;
- (e) regulating or abating offensive or dangerous trades or practices ;
- (f) removing obstructions and projections in public streets or places, and in spaces not being private property which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;
- (g) securing or removing dangerous buildings or places ;
- (h) acquiring and maintaining, changing and regulating places for the disposal of the dead ;
- (i) constructing, altering, maintaining and improving public streets, culverts, municipal boundary marks, market slaughter-houses, latrines, privies, urinals, drains, sewer and providing public facilities for drinking water ;

(j) providing a supply of water, proper and sufficient to prevent danger to the health of the inhabitants and their domestic cattle ;

(k) naming streets and numbering houses ;

(l) registering births and deaths ;

(m) public vaccination ;

(n) establishing and maintaining dispensaries, and providing public medical relief ;

(o) taking such measures as may be required to prevent the outbreak, spread or recurrence of dangerous diseases ;

(p) any measure likely to promote the health, safety, comfort, convenience, interest or welfare of the public not specified above when directed by the Government.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely :—

Discretionary
duties

(a) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(b) granting loans to servants employed by the municipal council for construction of houses, subject to the rules prescribed in this behalf,

(c) subject to the exceptions and conditions that may from time to time be imposed by the Government, any measure not specified in this sub-section or sub-section (1) likely to promote education or the health, safety, comfort, convenience, interest or welfare of the public.

(3) Notwithstanding anything contained in sub-section (1), the Government may exempt any municipal council from any of the provisions of that sub-section or may declare that in regard to any municipal council any of the duties specified in that sub-section shall be deemed to be discretionary duties within the meaning of sub-section (2).

24. Subject to the rules prescribed, every municipal council shall have power to acquire and hold property, both moveable and immoveable, whether within or without the limits of the municipality, and to enter into contracts for all or any of the purposes of this Regulation.

Power of
municipal
council to
acquire and
hold property
and to
contract.

Provided that nothing in this section shall empower any municipal council to raise loans except as provided for in section 51.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

Acquisition of land.

26. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

Functions of the president.

27. The president of the municipal council shall—
 (a) convene the meetings of the municipal council,
 (b) carry into effect the resolutions of the municipal council,
 (c) furnish to the municipal council such periodical reports regarding the progress made in carrying out its resolutions and in the collection of taxes as it may direct,
 (d) perform all the duties and exercise all the powers specifically imposed or conferred on the president by this Regulation or the rules thereunder and subject, whenever it is expressly so provided, to the sanction of the municipal council, and subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Regulation, and be directly responsible for the due fulfilment of the purposes of this Regulation.

Functions of the vice-president.

28. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president deposes to him in accordance with general or special rules or orders of the Government issued in this behalf.

(2) The vice-president shall exercise the powers and perform the duties of the president, pending the succession, appointment or election of a president, or during the absence

appointed as *ex officio* president of a municipal council, notwithstanding anything contained in section 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during any period when the office of the Amildar is vacant.

29. (1) Every municipal council shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation. Municipal establishment.

(2) The recruitment, pay, leave, punishment, transfer, pensions, gratuities, leave, absentee and travelling allowances, and all other matters relating to the officers and servants of municipal councils shall be regulated by the rules prescribed or the special or general orders of the Government in this behalf.

30. (1) Every municipal councillor, officer or servant, every auditor appointed under section 55, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Municipal councillors, etc., to be public servants.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

31. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council, the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses. Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misapplication. Liability of president, vice-president and councillors for loss, waste or misapplication.

Institution
of legal pro-
ceedings
against muni-
cipal council,
president,
councillor,
officer, ser-
vant or agent
and bar of
certain suits.

32. (1) No suit shall be instituted against any municipal council, or any president, councillor, officer, or servant thereof or any person acting under the direction of any such municipal council, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a municipal council, delivered or left at its office, and in the case of any such president, councillor, officer, or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immoveable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Powers to
compromise
suits and
claims.

33. (1) The municipal council or the president with the general or special sanction of the municipal council may compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into under this Regulation, for such sum of money or other compensation as shall be deemed sufficient:

Provided that if any sanction in the making of any contract is required by or under this Regulation or the rules thereunder, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council or the president with the approval of the municipal council, may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the municipal council, the president and the officers and servants of the municipal council under this Regulation or, the rules thereunder.

CHAPTER IV.

CONTROL.

Chief con-
trolling
authority.

34. (1) The Government shall be the chief controlling authority in respect of all matters relating to the administration of minor municipalities.

(2) Subject to the control of the Government and of the Deputy Commissioner of the District, the Assistant Commissioner in charge of the Taluk in which the municipality is situated, and in the absence of such an officer, the Deputy Commissioner of the District subject to the control of the Government, shall exercise general powers of inspection, supervision and control over the municipal councils within his jurisdiction and may—

(a) call for any record, correspondence, plan, or other document in the possession or under the control of any municipal council ;

(b) require any municipal council to furnish any return, plan, estimate, statement, account or statistics ;

(c) require any municipal council to furnish any information or report on any municipal matter ;

(d) record in writing, for the consideration of the municipal council, any observations which he may think proper in regard to the proceedings or duties of the president or the municipal council.

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be conferred by the Government on any officer subordinate to it.

35. The Government or the Deputy Commissioner may, by order in writing, annul or amend any proceedings or resolution of a municipal council which it or he may consider to be not in conformity with the provisions of this Regulation or any other law or order in force, and may do all things necessary to secure such conformity.

Power of Government and Deputy Commissioner to annul or amend proceedings of municipal council.

36. The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a municipal council if in his opinion such resolution or order is in excess of the powers conferred on the municipal council by law or if the execution of such resolution or order is likely to lead to a breach of the peace or to cause injury or annoyance to the public or any class or body of persons.

Power to suspend action of the municipal council.

37. (1) In cases of neglect or refusal on the part of the municipal council to perform any prescribed duty or in case of emergency, the Deputy Commissioner or the Assistant Commissioner may perform or cause to be performed such duty or any work which the municipal council is empowered to execute or perform, as the case may be.

Power to provide for the performance of duties or works in case of default or in case of emergency.

(2) The Deputy Commissioner or the Assistant Commissioner may direct that the expense of performing any duty or work under the powers vested in him under sub-section (1) with a reasonable remuneration to the person

appointed to perform the duty or work shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Deputy Commissioner or the Assistant Commissioner, as the case may be, may make an order directing any person, who, for the time being, has custody of any monies on behalf of the municipal council to pay such expense and remuneration from such monies as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Agency for
execution of
public works.

38. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special
provisions in
regard to
works exe-
cuted by the
Government.

39. (1) Notwithstanding anything contained in this Regulation, the Government may at any time after consulting the municipal council—

(a) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health or safety of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(b) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal council, or resume the same from the municipal council ;

(c) recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of any municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (c) of sub-section (1).

40. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder.

Government
inquiry into
municipal
matters.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses ;

and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum ; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to direct person in custody of municipal fund to pay Government dues.

41. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

42. (1) If, in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(a) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(b) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(c) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government ;

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Power after enquiry to continue period of supersession.

43. (1) The Government may appoint such inspectors as may be required for the purpose of inspecting or superintending the operations of all or any of the municipal councils constituted under this Regulation.

Appointment of Inspectors.

(2) All institutions maintained in whole or in part by any municipal council and all registers, books, accounts and other documents relating thereto shall at all times be open to the inspection of the inspectors appointed under sub-section (1) and municipal authorities and municipal officers and servants shall afford to inspectors such access at all reasonable times to municipal property or premises and to all records, accounts and other documents which, subject to the rules prescribed, they may consider to be necessary to enable them to discharge their duty of inspection and superintendence.

44. (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this Regulation or any other law and the dispute is not amicably settled,

Disputes.

(a) the Deputy Commissioner may take cognizance of the dispute and decide it himself, if the dispute is with another municipal council of a minor municipality or a village panchayet or a town municipal council as defined in the Mysore Town Municipalities Regulation, 1933, in the same district and his decision shall be final ; and

(b) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

45. (1) Save as otherwise provided for in this Regulation or in the rules prescribed, an appeal shall lie from an order of the president or vice-president to the municipal council and shall be preferred within thirty days

Appeals.

of the date of publication or communication of the order appealed from.

(2) An appeal shall lie to the Government from an order of the Deputy Commissioner under sections 36 and 37 and shall be preferred within thirty days of the date of publication or communication of the order and the decision of the Government shall be final.

CHAPTER V.

PROPERTY AND FINANCE.

Property
vested in the
municipal
council.

46. (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of whatsoever nature or kind, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation :—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots,

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(c) all public sewers and drains, and all sewers, drains tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto ; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere,

(d) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(e) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes,

(f) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

(2) It shall be competent to the Government from time to time by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Power of Government to resume property.

47. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

Management of public institutions maintained by municipal councils to vest in it.

48. (1) There shall be in each municipality a fund which shall be called the municipal fund, and it shall be administered by the municipal council.

Municipal fund, its custody and investment.

(2) It shall be lawful for a municipal council to deposit at interest with the Mysore Government savings bank or in any other bank approved by the Government any surplus funds in its hands which may not be required for current charges, and with the sanction of the Government, invest such funds in public securities and vary such investment or dispose of such securities with the like sanction.

(3) The municipal fund over and above what is invested as provided for in sub-section (2) shall be kept in the Government treasury of the taluk in which the municipality is situated or in any bank approved by the Government in this behalf.

49. The following shall form part of or be paid into the municipal fund :—

Constitution of the municipal fund.

(a) all taxes, fines, fees, penalties and costs paid to or levied by or on behalf of the municipal council under this Regulation and all fines imposed by a magistrate under this Regulation or the rules thereunder ;

(b) all rents or income from lands or other properties of the municipal council ;

(c) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise ;

(d) all proceeds of land and other property sold by the municipal council ; and

(e) all sums received by or on behalf of the municipal council by virtue of this Regulation or any other law.

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other

Application of municipal fund and property.

law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, for any other purpose for which the application of such property or fund is in the public interests.

Municipal council may raise loans and form a sinking fund.

51. It shall be lawful for a municipal council, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, to raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation, and to form a sinking fund for the repayment of such loans.

Contribution to expenditure incurred by the Government and power to make grant-in-aid.

52. Subject to the rules prescribed, a municipal council may make grants-in-aid to any medical, veterinary, educational or charitable institution or any other institution or object of public utility within or without the area under its authority, whether it be under public or private management, and may vary or cancel such grant.

Maintenance of accounts and restrictions on expenditure.

53. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

Presentation of accounts.

54. Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of Accounts.

55. The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed by the Government.

Power of Government auditor.

56. The Government auditor may—

(a) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

(b) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him ; and

(c) require any person so appearing before him to make and sign a declaration with respect to such document

or to answer any question or prepare and submit any statement.

57. (1) The Government auditor shall—

Duties of
Government
auditor.

(a) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts ;

(b) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts ; and

(c) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste ;

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

58. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of the illegal payment. Surcharge.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not, brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

59. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such a case after taking such evidence as is necessary may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances ; or in lieu of such application, the person so aggrieved may, within the like period, Appeal from
order of
surcharge.

appeal to the Government which shall pass such orders as it thinks fit.

Recovery of
amount
surcharged.

60. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

CHAPTER VI.

TAXATION AND RECOVERY OF DUES.

Taxes and
fees which a
municipal
council may
levy.

61. (1) The municipal council may, from time to time subject to the provisions of this chapter and the rules prescribed, impose in the whole or in any part of the municipality all or any of the following taxes for the purposes of this Regulation, namely :—

(a) an octroi on animals or goods or both brought within the limits of the municipality for consumption or use within those limits ;

(b) a tax payable by the owners of buildings or lands or both situated within the limits of the municipality ;

(c) a lighting tax payable by the owners of buildings or lands or both where the lighting of public streets, places and buildings is undertaken by the municipal council ;

(d) a water-tax where water is supplied by the municipal council ;

(e) a special sanitary cess upon private latrines, premises, or compounds cleansed by municipal agency ;

(f) a tax on shops and other places where a business or profession is carried on, payable by the person or persons engaged in the business or profession ;

(g) a tax payable by the owner on all or any vehicles used for riding, driving, draught or burden kept within the municipality for use ;

(h) with the sanction of the Government, a toll on vehicles used as aforesaid entering the municipality but not liable to taxation under clause (g) of this subsection ;

(i) fees—

(i) for exposing goods for sale in any market or place belonging to or under the control of the municipal council or the Government;

(ii) for licenses and permissions issued under this Regulation; and

(iii) for the use of municipal slaughter-houses.

62. In addition to or in lieu of any of the foregoing taxes, the municipal council may levy with the approval of the Government and subject to such rules as may be prescribed in this behalf, any other tax or fee which may be convenient and suitable to the inhabitants of the municipality.

Power of municipal council to levy other taxes and fees.

63. The rates or amounts of taxes and fees shall not exceed the maxima that may be prescribed or those that the Government may in any special case by order direct; provided that—

Rates of taxes and fees.

(a) the rate of special sanitary cess shall be so fixed that the total proceeds from the cess shall not exceed the amount required for cleansing private latrines or compounds by manual labour or for conducting or receiving the sewage thereof into municipal sewers;

(b) the rate of the water tax shall be so regulated that the total proceeds of the tax with the estimated income from payments for water supplied from the works under special contracts, if any, shall not exceed the amount required for the annual maintenance of water supply works and for the repayment with interest of the capital outlay thereon in such number of years as the municipal council may fix with the approval of the Government.

64. The municipal council may, subject to the rules prescribed in this behalf and subject to the control of the Government and to the provisions of sections 71 and 72.

Abolition and suspension of taxes and fees, or variation of rates.

(a) abolish any tax or fee and within the limits imposed under section 63, vary the amount or rate of any such tax or fee, and

(b) suspend the operation of any tax or fee within any part of the municipality for any specified period.

65. Subject to the rules prescribed in this behalf, the municipal council may—

Exemptions, remissions, and writes off.

(a) exempt in whole or in part from the payment of any tax or fee any person or class of persons or any property or animal or description of property or animal;

(b) remit the amount of any tax, fee or other due or refund the same if it has been already collected, and
 (c) write off any irrecoverable amount of tax, fee or other due.

Bar of other proceedings.

66. No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than is provided in this Regulation or in the rules prescribed in this behalf.

Compound-
ing for pay-
ment of tolls.

67. The president may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid in advance monthly or quarterly or half-yearly in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle into the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Farming of
tolls and fees.

68. The municipal council may lease the collection of tolls and fees imposed under clauses (h) and (i) of sub-Section (1) of Section 61 annually on such conditions as may be approved by the municipal council.

Liability of
land, build-
ing, etc., for
taxes.

69. (1) All sums due on account of taxes imposed in the form of a tax on buildings or lands, or on both shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land in respect of which such tax is payable, and upon the movable property, if any, found within or upon such building or land and belonging to the person liable for such tax or taxes.

Right of
occupier to
recover from
owner.

(2) Any tax or sum leviable under this Regulation from the owner may be recovered from the occupier, and in such case such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from any rent then or thereafter due by him to the owner.

(3) No sum shall under sub-sections (1) and (2) be recoverable from any occupier who is not the owner if it has been due for more than one year or for a period during which such occupier was not in occupation.

Recovery of
dues.

70. (1) The amount of taxes, fees, costs and other dues under this Regulation shall be paid in such manner as may be prescribed and in case of default of such

payment shall be recoverable by the distraint and sale of the movable property of the defaulter.

(2) No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Distress lawful though defective in form.

(3) No distraint shall be made in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made in respect of such sum.

Limitation of distraint.

(4) Nothing herein contained shall preclude the institution by a municipal council of a suit for any amount due under this Regulation.

Suits for dues not precluded.

71. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a municipal council is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed such requirements shall not be carried into effect to the satisfaction of the Government, it may by notification in the Official Gazette suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

Power of Government to suspend or prohibit levy of objectionable taxes.

The Government may, at any time, by a like notification rescind any such suspension.

72. Whenever it appears to the Government that the regular income of any municipal council falls below what is necessary for the proper discharge of its duties, or that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under Sections 37 and 39, the Government may by notification require the municipal council to impose in the municipality any tax which may be imposed under Section 61 and which is not at the time imposed in the said municipality or to enhance the rates of any of the existing taxes in such manner or to such extent as the Government considers fit; and the municipal council shall forthwith proceed to

Special powers of Government with regard to taxation.

impose the tax or enhance the rates of the taxes in accordance with the requisition.

Provided that—

(a) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final.

(b) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, and

(c) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

Receipts to
be given
for all
payments.

73. For all sums paid to a municipal council on account of any tax, fee or other due under this Regulation, a receipt stating the amount and the tax, fee or other due on account of which it has been paid, shall be tendered by the person receiving the same.

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

Powers of
entry and
inspection.

74. It shall be lawful for the president or for any person authorised by the president or the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land :

Provided that, except when otherwise provided in this Regulation or the rules thereunder, no building or land which may be occupied at the time shall be entered except with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupier.

Power of
president to
temporarily
close streets.

75. The president may close temporarily any street or any part thereof for any public purpose.

76. (1) The president may cause to be attached to the outside of any building brackets for lamps or name-plates of streets and may cause a number to be affixed to every house in the municipality for the purpose of identifying it.

Power to attach brackets for lamps, name-plates of streets, etc.

(2) No person shall without the authority of the president, disturb, deface or destroy any bracket, name-plate or number attached or affixed under sub-section (1) or any direction—post or lamp-post or extinguish any light maintained by the municipal council in any street or public place.

77. (1) The president may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

Permission necessary for certain projections.

(2) The president may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

Removal of projections.

(a) overhangs or juts into, or in any way, projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof :

Provided always that the president shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the president, make reasonable compensation to every person who suffers damage by such removal or alteration.

78. (1) No person shall without the written permission of the president have built or set up or shall build or set up any wall or any fence, rail, post, stall, verandah, platform, plinth, or any projecting structure or thing, or

Obstructions and encroachments upon public streets and open spaces.

other encroachment or obstruction in any public street, except steps over drains or, shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street.

(2) The president shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment.

(3) Nothing contained in this section shall prevent the president from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than seven days, and in such manner as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 77 or in any case where permission has been given under sub-section (3) of this section.

Control of
erection of
buildings.

79. (1) Subject to the provisions of sub-section (3) of this section, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the president.

(2) Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds or for the reason that the building is unsuited for a factory if the building is intended for such use.

(3) Such permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of an application in that behalf in writing. Provided that nothing in this sub-section shall authorise any person to build in contravention of any other provisions of this Regulation or the rules thereunder.

(4) No building shall be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the president.

(5) The president in granting permission to build, may impose in writing such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any existing building or street, existing or projected, and may require in any locality approved by the Government in this behalf, that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and the municipal council may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

(6) Whenever a building is erected, altered, added to or re-constructed without the permission of the president or in any manner contrary to the conditions imposed by the permission or the provisions of this Regulation or the rules thereunder, the president without prejudice to the prosecution of the offender under section 93 may, by written notice—

(a) direct that the building, alteration or addition be stopped;

(b) require such building, alteration or addition to be altered or demolished as he may deem necessary; and

(c) withdraw the permission.

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the Official Gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf.

Power of Government to prohibit the erection of buildings in certain areas without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

81. If it appears necessary to improve the sanitary condition of any area within its jurisdiction, the municipal council may by a written notice require within a reasonable period specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

Power with regard to huts, privies, etc.

(ii) the owner or occupier of any building to provide any drain, privy or cesspool or any additional drains, privies or cesspools therefor or to repair, alter or put in good repair the drains, privies, or cesspools thereof.

Power as
regards
sanitation,
drainage, etc.

82. (1) The president may by a written notice require within a reasonable time specified therein—

(a) the owner or occupier of any land or building which needs to be cleansed or which is kept in a filthy or unwholesome state to cleanse it or otherwise put it in a proper state ;

(b) the owner or occupier of any land or building which contains a pool, ditch, tank, well, hole or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be cleansed, filled or deepened or cause the water to be removed or drained or to take such other action therewith as may be deemed necessary by the president ;

(c) any person who, without the written permission of the municipal council, newly erects or rebuilds any building over any sewer, drain, culvert, watercourse, or water-pipe, vested in the municipal council, to pull down or otherwise deal with the building as the president thinks fit ;

(d) the owner or occupier of any building or any well, tank, reservoir, pool, depression or excavation which is, for want of sufficient repair, protection or enclosure dangerous to persons passing by or dwelling or working, therein or in the neighbourhood, to repair, protect or enclose the same ;

(e) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly-pear or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly-pear or jungle ;

(f) the owner or occupier of any building, wall or structure or anything affixed thereto, or any bank or tree which is deemed by the president to be in a ruinous state or in any way dangerous, to remove the same or to cause such repairs to be made thereto as the president may deem necessary for the public safety ;

(g) the owner or part-owner or any person claiming to be the owner or part-owner of any building or land which

by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same.

(2) If the owner or occupier of a building or land is not known, the municipal council may, in cases falling under clauses (b), (d), (e), (f) and (g), carry out the work and the cost of such work may be recovered from him within three years.

83. No person shall—

(a) without the written permission of the president or in disregard of the orders of the president or the municipal council, throw or deposit, or permit his servants, or members of his household under his control to throw or deposit earth or materials of any description, refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith ;

Depositing or throwing rubbish, etc., on roads or into drains and discharging sewage.

(b) without the written permission of the president, cause or allow the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose.

84. (1) The municipal council may, for the purpose of carrying out, establishing or maintaining any system of drainage, sewerage or water-supply, carry any pipe, drain, sewer or channel of any kind into, through, across, under, over or up the side of any land or building whatever situated within the limits of the municipality, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe, drain, sewer or channel :

Power to lay or carry pipes, drains or sewers through private property.

Provided that—

(a) reasonable notice shall be given to the owner or occupier of any such land or building ; and

(b) reasonable compensation shall be paid to the owner or occupier for any damage sustained by him and directly occasioned by the carrying out of any such operations or for any substantial interference with the rights of such owner or occupier to the due enjoyment of such land or building.

(2) No person shall, without the written permission of the president at any time make, or cause to be made, any connection or communication with any pipe, drain,

sewer or channel constructed or maintained by or vested in the municipal council for any purpose whatsoever.

(3) The municipal council may without prejudice to the prosecution of the offender under section 93, close, demolish, alter or remake any connection or communication made in contravention of the provisions of sub-section (2) and the expenses thereby incurred shall be paid by the person making such connection or communication.

(4) When any such work as is referred to in sub-section (1) is constructed or maintained by the Government under the powers vested in it by section 39, the powers of the municipal council under sub-sections (1), (2) and (3) shall be exercised by such officer as the Government may direct.

Power of
municipal
council to
provide for
proper water
supply.

85. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the municipal council may—

(a) construct, repair and maintain tanks or wells and clear out streams or water-courses ;

(b) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control ;

(c) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom ;

(d) contract with any person for a supply of water ;

or

(e) do any other acts necessary for carrying out the purposes of this section.

(2) The municipal council may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (a) or (b) or (c) of sub-section (1), subject to any rights which the owner referred to in clause (c) of that sub-section may retain with the consent of the municipal council.

(3) The municipal council may, by order published at such places as it may think fit, prohibit—

(a) all bathing, washing of clothes, vessels and animals or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-Section (2) ; and

(b) during epidemics, the use of any source of water-supply for drinking or culinary purposes or for the washing of clothes.

Provided that the president may, in cases of emergency, exercise the powers of the municipal council under clause (b) and report the action taken for the orders of the municipal council.

86. (1) The president, or any person authorised by him in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

Unwholesome articles of food and drink.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president, or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under section 95.

87. No person shall feed, or allow to be fed, on any deleterious substance, filth or refuse of any kind, any animal which is kept for supplying milk or milk products or is intended for human consumption.

Feed animals on deleterious substance.

88. No person suffering from a loathsome, infectious or contagious disease shall—

Acts done by persons suffering from certain diseases.

(a) make or offer for sale any article of food or drink for human consumption or any medicine or drug, or

(b) wilfully touch any such article, medicine or drug, when exposed for sale by others, or

(c) take any part in the business of washing or carrying clothes.

89. (1) The municipal council may fix premises for the slaughter of animals or animals of any specified description, for sale, either within the municipality, or with the approval of the Deputy Commissioner beyond the limits of the municipality.

Places for slaughter of animals for sale.

(2) No person shall, without the license of the president, use any such premises, for slaughter of animals for sale.

(3) The president may grant, suspend, withhold or withdraw licenses for the use of such premises, or if they belong to the municipal council, charge rents or fees for the use of the same.

(4) When any such premises have been fixed under sub-section (1), no person shall slaughter any such animal for sale at any other place within the municipality.

Premises not to be used for certain purposes without a license.

90. (1) The municipal council may notify that no place within the area under its authority shall after sixty days from the date of such notification be used without a license from the president and except in accordance with the conditions specified therein for any of the purposes specified in Schedule B.

(2) Whenever it is shown to the satisfaction of the municipal council that any place licensed under sub-section (1) is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the municipal council may by notice require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the municipal council, render it no longer a nuisance or dangerous.

(3) No person shall use any premises without a license or in contravention of the conditions specified therein for any purpose for which a license is required under sub-Section (1), or, after notice has been given under sub-section (2), use such place or permit it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous.

President, etc., to have power of entry for inspection into buildings etc., where infectious disease exists
Inspection to be made between sunrise and sunset.
Disinfection of buildings, etc.

91. (1) The president or any person authorised by the president or the municipal council in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

(2) No such inspection shall be made except between sunrise and sunset.

(3) If the president or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice; provided that if the president

or such person considers that immediate action is necessary or that the owner or occupier, is by reason of poverty or otherwise, unable effectually to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises ; and the expenses incurred by the president or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with his requisition.

92. (1) The municipal council may, with the previous approval of the Deputy Commissioner, provide suitable places for burial or burning either within or beyond the municipal limits. Burial and burning grounds.

(2) No place shall be made or formed as a burial or burning ground after the commencement of this Regulation, without the permission in writing of the municipal council.

(3) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government through the Deputy Commissioner, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(4) A copy of the said notification both in English and Kannada shall be published in the official gazette, and shall be posted up at the municipal office and in one or more conspicuous parts on or near the place to which the same relates.

(5) No person shall bury, or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed in contravention of sub-section (2) or after the date specified in the notification published under sub-section (4).

93. Whoever contravenes the provisions of or fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of Certain offences punishable with fine.

- (i) section 76, sub-section (2),
- (ii) section 78, sub-section (1),
- (iii) section 79, sub-sections (1) and (4),
- (iv) section 83,

- (v) section 84, sub-section (2),
- (vi) section 85, sub-section (3),
- (vii) section 87,
- (viii) section 88,
- (ix) section 89, sub-sections (2) and (4),
- (x) section 90, sub-section (3),
- (xi) section 92, sub-sections (2) and (5), and
- (xii) section 103, sub-section (3)

shall, on conviction before a magistrate, be punished with fine which may extend to rupees fifty. He may also be punished with further fine which may extend to ten rupees for every day on which such offence is continued after the date of conviction or any subsequent date as may be fixed by the magistrate.

Penalty for building in contravention of section 80.

94. Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-sections (2) of that section, shall, on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

Penalty for possession of articles or animal unfit for human consumption or adulterated drug.

95. If any animal, article or drug is brought before a magistrate under sub-section (4) of section 86, the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

Penalty on president councillor, officer or servant of municipal council being interested in contract made with the municipal council.

96. If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

97. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued under any power conferred by this chapter or fails to comply with the conditions subject to which any permission was given to him under any power so conferred, shall, if the disobedience on failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees. He may also be punished with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

Punishment for disobedience to orders and notices not punishable under any other section.

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

98. (1) The municipal council or the president, may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Regulation or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Municipal council or president may prosecute.

Provided that no prosecution for an offence under this Regulation or the rules thereunder shall be instituted except within six months next after the commission of such offence.

(2) Any prosecution under this Regulation or under any rule thereunder may be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to any magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Jurisdiction of magistrate.

99. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation or of any rule thereunder, if the name and address of such person be unknown to him, and if such person declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station house until his name and address have been correctly ascertained.

Powers and duties of police officer.

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule thereunder, and to assist the president, councillors, municipal officers and servants in the exercise of their lawful authority.

Powers to
compromise
and Com-
pound
offence.

100. The president or any person authorised by the municipal council may, and when directed by the municipal council, shall—

(a) compromise with any person who in the opinion of such president, person or municipal council, as the case may be, has committed an offence punishable under this Regulation or any rule thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(b) withdraw from prosecutions instituted under this Regulation or any rule thereunder;

(c) compound any offence against this Regulation or any rule thereunder which may by rules made by the Government be declared compoundable.

CHAPTER VIII.

MISCELLANEOUS.

Public and
general
notices
how to be
published.

101. (1) Every notice which this Regulation requires or empowers a municipal authority to give or to serve either as a public notice, or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places or is published in such local paper or in such other manner as the municipal council in this behalf determines.

Service of
notices, etc.,
addressed to
individuals.

(2) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to any person, the service or sending thereof may be effected—

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family ; or

(c) if such person does not reside in the municipality and his address elsewhere is known to the president, by sending the same to him by post registered ; or

(d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(3) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.

Service of notices, etc., on owners and occupiers of buildings and lands.

(4) No notice or bill shall be invalid for defect of form.

Defective form not to invalidate notice or bill

(5) When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

102. (1) Where under the provisions of this Regulation any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation be paid to the municipal council by the person by whom such work ought to have been executed, either in one sum or by instalments as the municipal council may decide.

Municipal council in default of owner or occupier may execute works and recover expenses.

(2) Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the president, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier in default of owner, may execute works and deduct expenses from his rent.

103. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Regulation or of any rule thereunder, or with any requisition made under any such provision in respect of such land or building, apply to any magistrate having local jurisdiction.

Proceedings in case of obstruction of owner by occupier.

(2) The magistrate, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order, and in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(4) In cases falling under sub-section (3), the occupier shall be liable to comply with the provisions of this Regulation in place of the owner.

Determina-
tion of com-
pensation
in certain
cases.

104. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the Taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

Damage to
municipal
property how
made good.

105. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted; and on non-payment of such damage on demand the same shall be levied by distress and such magistrate shall issue his warrant accordingly.

Power of
Government
to make rules
and orders.

106. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any

proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders.

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed ;

(b) for regulating the election of councillors, presidents and vice-presidents, or their appointment and other matters incidental or ancillary thereto or to the constitution of committees ;

(c) for the conduct of business of municipal councils and the channel of communication between municipal councils and the Government or its officers ;

(d) for prescribing the duties of municipal officers and servants and the conditions subject to which they may be employed ;

(e) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure ;

(f) as to the preparation of plans and estimates for works which are to be wholly or partly constructed at the expense of the municipal fund and as to the powers of the municipal council or the Government Officers to accord professional or administrative sanction to estimates ;

(g) for the appointment of assessors for assessing the value of buildings and lands for the purpose of levying any taxes under this Regulation and for preventing evasion of assessment and payment of taxes ;

(h) as to the inspection and proper management and maintenance of any work of a permanent nature constructed by the municipal council or by the Government for the use of the inhabitants of a municipality, whether it be within the municipality or beyond the limits thereof ;

(i) for conserving and preventing injury to sources and means of water-supply (including private wells which are used by the public) and appliances for the distribution of water, whether within or without the limits of the municipality, and regulating all matters and things connected with the supply and use of water ;

(j) for the regulation and inspection of municipal markets and slaughter-houses, whether within or without the limits of the municipality, and all places used by or for animals which are for sale or hire, or the produce of which is sold, and all places used for any purpose for which a license is required under this Regulation and regulating

the conditions subject to which licenses or permissions may be issued, suspended, cancelled or refused ;

(k) regulating the construction of buildings and huts and prescribing the conditions and terms that may be imposed in this behalf ;

(l) as to the restriction on, and the prohibition of the use of inflammable materials in buildings and for the prevention of out-break of fire ;

(m) for the registration of shops for the sale of drugs and the licensing of persons who act as compounders or dispensers therein ;

(n) as to the proper registration of births and deaths and taking of a census and enforcing the supply of such information as may be necessary to make such registration or census effective ;

(o) as to the disposal of carcasses of animals dying within the municipal limits and the disposal of corpses by burial or burning in burial and burning grounds, whether within or without the municipal limits ;

(p) as to enforcing the supply of information as to cases of dangerous diseases among human beings and infectious diseases among cattle and preventing, meeting, mitigating, or suppressing such diseases or the outbreak or introduction thereof ;

(q) as to the disposal of mad and stray dogs ;

(r) as to the regulation and improvement of conservancy and sanitation and prohibiting public nuisances ;

(s) for the regulation of all matters connected with the grant of permission under section 80 ;

(t) with reference to any other matter affecting the public health, comfort, safety or convenience for which the Government consider that rules may be framed ; and

(c) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

107. The Government may, subject to such conditions and restrictions as may be prescribed, delegate any of its powers under this Regulation to any officer subordinate to it.

Power of Government to delegate its powers under the Regulation.

108. The Government may, subject to such conditions and restrictions as may be prescribed, confer on the holder of any alienated village which is constituted as a municipality under this Regulation or on the agent of such holder, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or their agents powers of an Assistant Commissioner or a Deputy Commissioner.

SCHEDULE A.

ENACTMENTS REPEALED.

(See Section 2.)

Year	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE B.

Purposes for which premises may not be used without a license.

(See Section 90)

- (a) As a shop for the sale of animals intended for human food or of meat or of fish,
- (b) as a dairy, hotel, restaurant, eating house, coffee-house, sweet-meat shop or bakery or for manufacturing aerated waters,
- (c) for any of the purposes mentioned hereunder :—
 - (1) for boiling or storing offal, blood, bones or rags,
 - (2) for salting, curing and storing fish,
 - (3) for storing hides, horns, skins or organic manure.
- (d) any other purpose affecting public health, sanitation or safety that may be notified by the Government.

* REGULATION X OF 1933.

RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE 29TH DAY OF JUNE 1933.

**Regulation to amend the Hindu Law as to the Rights of
Women and in certain other respects.**

Preamble. Whereas it is expedient to amend the Hindu Law as to the Rights of Women, and in certain other respects; It is hereby enacted as follows:—

PRELIMINARY.

- | | |
|----------------------|---|
| Short title. | 1. (1) This Regulation may be called the Hindu Law Women's Rights Regulation, 1933. |
| Extent. | (2) It extends to the whole of Mysore. |
| Commencement. | (3) It shall come into force on the first day of January 1934. |
| Application. | 2. (1) This Regulation applies to persons who but for the passing of this Regulation, would have been subject to the law of Mitakshara in respect of the provisions herein enacted. |

* Published with notification No. P. 248—Legis. 35-30-4, dated 14th July 1934.

For discussions in the Representative Assembly, see Proceedings of the Assembly, June 1931 pp. 91-118.

For debates in the Legislative Council, see Proceedings of the Council, December 1932 pp. 408-431; 482-540; December 1931 pp. 72-80; June 1931 pp. 528-561; June 1933 pp. 24-25.

For report of the Select Committee see "Mysore Gazette" dated 24th November 1932.

For statement of objects and reasons see "Mysore Gazette" dated 8th October 1931.

(2) Save as aforesaid, nothing herein contained shall be deemed to affect any rules or incidents of the Hindu Law which are not inconsistent with the provisions of this Regulation.

3. In this Regulation, unless there is anything repugnant in the subject or context— Interpretation clause.

(a) "agnate" means a relative connected by an unbroken line of male descent from a common ancestor, and includes a female related to an agnate by marriage;

(b) "ancestor" includes three generations, male or female, in ascent from the same person;

(c) "cognate" means a relative connected by a line of descent from a common ancestor broken by one or more female links, and includes a female related to a cognate by marriage;

(d) "full estate" means the sum total of the rights exercisable over any property, including the power of unfettered disposal *inter vivos* and by will;

(e) "Hindu" means a person governed by the Mitakshara School of Hindu Law;

(f) "issue" includes three generations, male or female, in descent from the same person;

(g) "last full owner" means the person in whom the full estate in any property was last vested at the time of his or her death;

(h) "limited estate" means any estate other than a full estate;

(i) "next reversioner" includes, where the next reversioner is a female, also the next male reversioner, and, where there are more reversioners than one, the whole body of reversioners next entitled to the reversion at any given time;

(j) "propositus" means the person whose relatives are to be reckoned;

(k) "relative" means a person connected either by blood, that is to say, through descent from a common ancestor, or by marriage with a person connected by blood.

PART I.

INHERITANCE.

4. (1) The succession to a Hindu male dying intestate shall, in the first place, vest in the members of the Order of succession.

family of the *propositus* mentioned below, and in the following order:—

- (i) the male issue to the third generation;
- (ii) the widow;
- (iii) daughters;
- (iv) daughters' sons;
- (v) the mother;
- (vi) the father;
- (vii) widows of predeceased sons;
- (viii) sons' daughters;
- (ix) daughters' daughters;
- (x) brothers of the whole blood;
- (xi) brothers of the half blood;
- (xii) sons' sons' daughters, sons' daughters' sons, sons' daughters' daughters, daughters' sons' sons, daughters' sons' daughters, daughters' daughters' sons, and daughters' daughters' daughters;
- (xiii) widows of predeceased grandsons and great-grandsons.

(2) On failure of the family of the *propositus*, the succession shall pass to the family of the father of the *propositus* mentioned below, and in the following order:—

- (i) brothers' male issue to the second generation;
- (ii) sisters;
- (iii) half sisters;
- (iv) sisters' sons;
- (v) half sisters' sons;
- (vi) the father's mother;
- (vii) the father's father;
- (viii) step-mothers;
- (ix) brothers' widows;
- (x) brothers' daughters;
- (xi) sisters' daughters;
- (xii) father's brothers of the whole blood;
- (xiii) father's brothers of the half blood;
- (xiv) brothers' sons' daughters, brothers' daughters' sons, brothers' daughters' daughters, sisters' sons' sons, sisters' sons' daughters, sisters' daughters' sons, and sisters' daughters' daughters;
- (xv) widows of brothers' male issue to the second generation.

(3) On failure of the family of the father of the *propositus*, the succession shall pass to the family of the paternal grandfather, and next thereafter to the family

of the paternal great-grandfather, the members of each family ranking among themselves in the same relative order as the members corresponding to them in the family of the father.

(4) On failure of the families of paternal ancestors to the third degree as above, the succession shall pass to the maternal ancestors to the third degree and their respective families, one after the other, and under the same rules *mutatis mutandis* as to relative order within each such family as are applicable to the families of the paternal ancestors.

(5) The members (where there are more than one) of each of the groups indicated above by Roman numerals and of the groups corresponding to them under sub-sections (3) and (4) shall, among themselves, take simultaneously and in equal shares (*per capita*), provided that the male issue of the propositus shall take according to stock (*per stirpes*).

(6) Every reference to the son of a female relative in this section shall be read as excluding a son adopted after the death of such female relative.

Illustration.—A sister's son does not include a son adopted after the sister's death.

5. Except as otherwise specially provided in the preceding section and in section 12, the order of preference among heirs shall be regulated by the following rules:—

General rules
as to order of
preference.

Firstly, a nearer line shall exclude one more remote.

Explanation to Rule I.—The descendants of the propositus constitute a nearer line than those of the father, the descendants of the father a nearer line than those of the grandfather, and so on, up to a limit of three degrees from and exclusive of the common ancestor in each case.

Secondly, within each line limited as aforesaid, agnates shall be preferred to cognates irrespective of degree.

Thirdly, among agnates, and likewise among cognates, heirs nearer in degree to the propositus shall exclude those more remote; but where the degrees are equal, a male shall be preferred to a female.

Explanation to Rule III.—Male issue up to three generations shall count as one degree for the purpose of this Rule.

Fourthly, in the absence of any ground of preference as herein provided, heirs of the same degree reckoned from the propositus shall take equally.

PART II.

SEPARATE PROPERTY, PARTITION AND ADOPTION.

Self-acquisitions deemed to be separate property.

6. (1) Property acquired by a member of a joint Hindu family by his own exertions, skill, learning or talents, or acquired in any other manner, without material and direct aid from property belonging to the joint family, shall be deemed to be the separate property of such member, notwithstanding that, at any time previous to, or at the time of his acquiring such property, such member may have been maintained or supported, or have received training or education of any kind (general, special, technical, or other), at the expense of the joint family or of any member thereof.

Separate property to pass by succession in case of intestacy.

(2) Such separate property of a person shall, in the event of his dying intestate, pass by succession to his own heirs, male or female.

Separation of interest by expression of intention.

7. (1) Where a member of a joint Hindu family not being a minor has, by conduct or by declaration, expressed clearly and unequivocally, and to the knowledge of the other members, his intention to separate himself from the family, he shall be deemed to have become divided in interest from such other members from the time of such expression of intention.

Separate share or interest to pass by succession in case of intestacy.

(2) The share or interest in joint family property of a member becoming divided in interest under sub-section (1) shall, in the event of his dying intestate, pass by succession to his own heirs, male or female, even though no actual division of property may have been made.

Certain females entitled to shares at partition.

8. (1) (a) At a partition of joint family property between a person and his son or sons, his mother, his unmarried daughters and the widows and unmarried daughters of his predeceased undivided sons and brothers who have left no male issue shall be entitled to share with them.

(b) At a partition of joint family property among brothers, their mother, their unmarried sisters and the widows and unmarried daughters of their predeceased

undivided brothers who have left no male issue shall be entitled to share with them.

(c) Sub-sections (a) and (b) shall also apply *mutatis mutandis* to a partition among other co-parceners in a joint family.

(d) Where joint family property passes to a single co-parcener by survivorship, it shall so pass subject to the rights to shares of the classes of females enumerated in the above sub-sections.

(2) Such share shall be fixed as follows:—

(a) in the case of the widow, one-half of what her husband, if he were alive, would receive as his share;

(b) in the case of the mother, one-half of the share of a son if she has a son alive, and, in any other case, one-half of what her husband, if he were alive, would receive as his share;

(c) in the case of every unmarried daughter or sister, one-fourth of the share of a brother if she has a brother alive, and, in any other case, one-fourth of what her father, if he were alive, would receive as his share: provided that the share to which a daughter or sister is entitled under this section shall be inclusive of, and not in addition to, the legitimate expenses of her marriage including a reasonable dowry or marriage portion.

(3) In this section, the term “widow” includes, where there are more widows than one of the same person all of them jointly, and the term “mother” includes a step-mother and, where there are both a mother and a step-mother, all of them jointly and the term “son” includes a step-son as also a grandson and a great grandson; and the provisions of this section relating to the mother shall be applicable *mutatis mutandis* to the paternal grand-mother and great grand-mother.

(4) Fractional shares of the females as fixed above shall relate to the share of the husband, son, father or brother as the case may be and their value shall be ascertained by treating one share as allotted to the male and assigning therefrom the proper fractional shares to the female relatives.

(5) Each of the female relatives referred to in sub-section (1) shall be entitled to have her share separated off and placed in her possession:

Provided.

Provided always as follows:—

(i) No female relative shall be entitled to a share in property acquired by a person and referred to in section 6, so long as he is alive ;

(ii) No female whose husband or father is alive shall be entitled to demand a partition as against such husband or father, as the case may be ;

(iii) A female entitled to a share in any property in one capacity of relationship shall not be entitled to claim a further or additional share in the same property in any other capacity.

Illustration.—A and his son B effect a partition of their family property. A has a mother and two unmarried daughters. Their shares will be as follows.—

Father	...	...	1
Son	...	...	1
Mother	...	...	$\frac{1}{2}$
Two daughters	...	...	$\frac{1}{4}$ each

The property will be divided in the above proportion, the father getting $\frac{1}{4}$, the son $\frac{1}{4}$, the mother $\frac{1}{2}$ and each daughter $\frac{1}{12}$.

Authority to adopt.

9. (1) In the absence of an express prohibition in writing, by the husband, his widow, or, where he has left more widows than one, the seniormost of them shall be presumed to have his authority to make an adoption.

Effect of adoption.

(2) No adoption made by a widow shall—

(a) divest her of her estate in any *stridhana* property, other than such as she may have taken by inheritance from her husband ; or

(b) affect her right to obtain at any time, at her option, either maintenance charged upon the property inherited from her husband, or a separate share therein equal to one-half of the share of the adopted son ; or

(c) affect her right to manage such property, as well as to act as the guardian of the person of the adopted son, during his minority.

Validity of pre-adoption arrangements.

(3) An arrangement made prior to or at the time of an adoption as aforesaid, whereby the adopted son if he be a major, or his natural father or mother if he be a minor, agrees to his rights in or over the property of the adoptive father being limited, curtailed, or postponed in the interests of the adoptive mother, shall be valid and binding on the adopted son.

PART III.

WOMEN'S FULL ESTATE.

10. (1) "*Stridhana*" means property of every description belonging to a Hindu female, other than property in which she has, by law or under the terms of an instrument, only a limited estate. What is
"*stridhana*"

(2) *Stridhana* includes:—

(a) all ornaments and apparel belonging to a female;

(b) all gifts received by a female at any time (whether before, at or after her marriage) and from any person (whether her husband or other relative or a stranger);

(c) property acquired by a female by her own exertions, skill, learning or talents;

(d) property acquired by a female by purchase, agreement, compromise, finding or adverse possession;

(e) the income, and savings from income, of all property whatsoever vested in a female, whether absolutely or otherwise;

(f) property obtained by a female as her share at a partition; and

(g) property taken by inheritance by a female from another female and property taken by inheritance by a female from her husband or son, or from a male relative connected by blood except when there is a daughter or daughter's son of the propositus alive at the time the property is so inherited.

(3) All gifts and payments other than or in addition to, or in excess of, the customary presents of vessels, apparel and other articles of personal use made to a bride or bridegroom in connection with their marriage or to their parents or guardians or other persons on their behalf, by the bridegroom, bride, or their relatives or friends, shall be the *stridhana* of the bride.

11. (1) A female owning *stridhana* property shall have over it absolute and unrestricted powers both of enjoyment and of disposition *inter vivos* and by will, subject only to the general law relating to guardianship during minority. Nature of
estate in
stridhana.

(2) Except when acting as the lawful guardian of his wife, a husband shall have no right to or interest in

any portion of his wife's *stridhana* during her life, nor shall he be entitled to control the exercise of any of her powers in relation thereto.

Succession to
stridhana.

12. (1) The succession to *stridhana* property belonging to a Hindu female dying intestate shall be as follows:—

I. In the first instance, to her children and grand-children, if any, in the following order:—

- (i) her children, male and female;
- (ii) her grand-children, male and female;

Provided that in the case of *stridhana* property comprised in clauses (a) and (b) of sub-section (2) of section 10, the order shall be as follows:—

- (a) daughters;
- (b) daughters of daughters;
- (c) sons of daughters;
- (d) sons;
- (e) sons and daughters of sons.

II. In the absence of children and grand-children, to—

(iii) the husband, if any, lawfully married to the said female:

(iv) the husband's heirs in order of succession to him.

III. Failing the husband and his heirs, or if the said female was unmarried or not lawfully married, then to her own relatives in the following order:—

- (v) uterine brothers and sisters;
- (vi) mother;
- (vii) father;
- (viii) father's heirs in order of succession to the father;
- (ix) mother's heirs in order of succession to the mother.

Explanation.—"Children" in this sub-section includes illegitimate as well as legitimate children and children born out of wedlock.

(2) The members (where there are more than one) of each group of heirs specified in sub-section (1) shall take simultaneously and in equal shares, provided that the descendants of the deceased female in the second generation shall take *per stirpes* and not *per capita*.

13. Any person, male or female, inheriting *stridhana* property shall take therein a full estate.

Estate of heir to *stridhana* property.

14. A gift or bequest in favour of a female shall be construed in the same manner, and shall have the same effect in all respects, as a gift or bequest in favour of a male.

Gifts and bequests to have same effect for females as for males.

15. Where property, immovable or movable, is bequeathed to a female, she shall be entitled to the whole interest of the testator therein, unless it appears from the will that only a restricted interest was intended for her.

Bequests without words of limitation.

PART IV.

WOMEN'S LIMITED ESTATE.

16. In property other than *stridhana* as defined in sections 12 and 13, a female shall take a limited estate.

Nature of estate in property inherited from males.

Provided that it shall be competent to a female having only a limited estate in any property to acquire a full estate therein by obtaining from the next reversioner a release of his entire interest in such property in her favour.

Proviso.

17. A female having only a limited estate in any property is nevertheless entitled—

Rights of holder of limited estate.

(a) to the undisturbed possession of such property, and to absolute and unrestricted powers both of enjoyment and disposition *inter vivos* or by will over the income therefrom ;

(b) to manage the property at her unfettered discretion without being accountable to any one else for her acts done in the course of such management ; and

(c) to lease, mortgage or otherwise alienate the property for any period not extending beyond the termination of her limited estate ;

and shall be competent—

(d) fully and completely to represent the property, including reversionary and other interests therein, in suits and proceedings affecting the same.

18. (1) A female having only a limited estate in any property is not entitled—

Restrictions on powers of holder of limited estate.

(a) to alienate the property or any portion thereof for any period extending beyond the termination of her

limited estate, except in cases where the alienation is made for a necessary purpose, or is assented to, ratified, or intentionally acquiesced in by the next reversioner ; or

(b) to waste or expend the *corpus* of the property, except where the property is movable and its consumption is necessitated by the insufficiency of the income available for her maintenance.

“Necessary purpose.”

(2) “Necessary purpose” in this section means any purpose which is for the benefit of the property or is proper or incidental to the position in life and society of the female owner concerned.

Illustrations.—(a) The reasonable personal requirements of the female owner, and the reasonable requirements of her children in respect of their upbringing, education, marriage and settlement in life, are necessary purposes.

(b) The reasonable expenses for the furtherance of the spiritual benefit of herself and her husband, customary gifts on ceremonial occasions, and reasonable acts of charity, are necessary purposes.

Surrender or relinquishment by holder of limited estate.

19. A surrender or relinquishment by a female having a limited estate in any property in favour of the next reversioner is not invalid or ineffective merely because it does not extend to the whole of the property comprised in the limited estate, or because the transaction provides for or contemplates some benefit to such female owner in addition to maintenance, or any other return or consideration ;

Provided that no such surrender or relinquishment shall affect any alienation of property made by her prior thereto.

Investments.

20. All unappropriated income of any property in which a female has only a limited estate, and all purchases and investments made by her out of the income of such property, unless clearly intended to be an accretion to such property, shall be deemed to be her *stridhana*.

Succession on termination of limited estate.

21. On the termination of the limited estate of a female owner, the property comprised in such estate shall pass to the person who at the time is the next heir of the last full owner.

PART V.

MAINTENANCE.

Females entitled to maintenance.

22. (1) In addition to any others legally entitled to maintenance, a Hindu male, provided he is possessed of sufficient means, shall be bound to maintain the following female relatives ; namely :—

(a) his step-mother ; and

(b) his unmarried full sister until she attains majority.

(2) Every person, male or female, who inherits the property of a Hindu male shall, to the extent of the property inherited, be bound to maintain the female relatives entitled to maintenance from such Hindu.

(3) The manager of a joint Hindu family shall, to the extent of the property of the joint family in his possession or control, be bound to maintain the female relatives of every member thereof entitled to maintenance from such member :

Provided that no female relative who is entitled to a share under section 8 and who has obtained such share shall be entitled to claim maintenance. Proviso.

23. A wife is entitled to refuse to live with her husband and to claim separate maintenance, in any of the following cases, namely ;— Wife when entitled to separate maintenance.

(a) when he is suffering from any venereal or loathsome disease ;

(b) when he keeps a concubine in his house ;

(c) when he marries a second wife ;

(d) when he habitually treats his wife with such cruelty or harshness as to endanger her health or personal safety ; or with such gross neglect as to make her life with him miserable ;

(e) when he renounces the Hindu religion.

24. The legal right of a widow or other female to maintenance shall not be curtailed by any act to which she is not a free and consenting party, and shall not be affected by non-compliance with conditions or directions, if any, imposed or made by her husband or any other person. Right to maintenance unconditional.

25. (1) In determining the amount of maintenance to which a female is entitled, regard shall be had : Amount of maintenance.

firstly, to the means of the person, if any, liable to the claim, and, in cases where the claim is limited to the extent of property available, to the value of such property from the point of view of income ;

secondly, to the claims of other persons, if any, entitled to maintenance as against the same person or out of the same property ;

thirdly, to the position in life of the female, and that of her parents if she be unmarried, or of her husband if she be married or is a widow ; and

Fourthly, to the reasonable wants of the female.

(2) Regard shall also be had to any independent and assured means of support possessed by the female, provided such means are derived from property of a productive character, or from sources not dependent on the will of a third person.

Illustration.—Jewels, vessels, furniture and apparel, since they are not property of a productive character, are not to be taken into account.

“Reasonable
wants.”

(3) The expression “reasonable wants” in this section includes, not only the ordinary expenses of living, such as food, raiment and residence, but also provision for such religious and educational requirements as are incidental to the station in life of the female entitled to maintenance.

Variations in
amount of
maintenance.

(4) The amount of maintenance once fixed shall not be varied to the prejudice of the female concerned, unless such variation is just and necessary owing to a substantial change in any of the circumstances referred to in sub-sections (1) and (2).

Maintenance
when a
charge.

26. (1) A right to maintenance under section 22 shall from the moment—

(a) when such right is decreed by a court of law,

(b) when such right is reduced to writing by the parties concerned, such writing being registered under the Mysore Registration Regulation, 1903, and

(c) when a claim is definitely made in writing, such writing being registered under the Mysore Registration Regulation, 1903;

be deemed to be a charge upon the whole extent of the property liable to meet the claim under sub-section (2) or sub-section (3) of that section, as the case may be, and shall have priority over all alienations of such property made subsequent thereto other than an alienation made in good faith for legal necessity by the manager of a joint Hindu family.

(2) A wife's right to maintenance under section 25 shall, from the moment when a claim is definitely made in writing, such writing being registered under the Mysore Registration Regulation, 1903, be deemed to be a charge upon all property and interest in property possessed by the husband, and shall have priority over all his personal debts, and over all subsequent alienations of such property or interest, other than an alienation for valuable consideration

made in good faith for a necessary or reasonable purpose and without intent to defeat the right.

(3) Nothing in this section shall—

(a) preclude the parties concerned by agreement, or a Court by decree in a suit to which the person entitled to maintenance is a party, from confining the charge in respect of the right to maintenance to a specific portion of the property liable ; or

(b) preclude any person who has obtained for consideration, and without notice of an intention to defeat the right to maintenance, any property or interest in property liable to the claim, from requiring that the claim shall, in the first instance, be satisfied out of any portion of the said property or interest in property that may not have been alienated to him, so far as such portion will extend, before proceeding against the portion alienated.

* REGULATION XI OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE
MAHARAJA ON THE 3RD DAY OF JULY 1933.)

**Regulation to amend the law relating to the Protection
of Copyright in Mysore.**

Whereas it is expedient to amend the law relating to the protection of copyright in Mysore, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Copyright Regulation, 1933.

(2) It shall extend to the whole of Mysore.

Interpreta-
tion.

2. (1) In this Regulation unless the context otherwise requires,—

“Literary work” includes maps, charts, plans, tables and compilations ;

* Published with Notification No. P. 263—Legis. 5-30-10, dated 14th July 1934.

For discussions in the Representative Assembly, see proceedings of the Assembly, October 1930. P. 85-87.

For debates in the Legislative Council, see proceedings of the Council, June 31. P. 517-518; June 1933. P. 25-29.

For report of the Select Committee, see *Mysore Gazette*, dated 11th February 1931.

For Statement of Objects and Reasons, see *Mysore Gazette*, 6th November 1930.

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

“Artistic work” includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

“Work of sculpture” includes casts and models;

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Regulation shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

“Engravings” include etchings, lithographs, woodcuts, prints and other similar works, not being photographs;

“Photograph” includes photo-lithograph and any work produced by any process analogous to photography;

“Cinematograph” includes any work produced by any process analogous to cinematography;

“Collective work” means.—

(a) an encyclopædia, dictionary, year book, or similar work;

(b) a newspaper, review, magazine, or similar periodical; and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

“Infringing,” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made or imported in contravention of the provisions of this Regulation;

“Performance” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

“Delivery,” in relation to a lecture, includes delivery by means of any mechanical instrument;

“Plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

“Lecture” includes address, speech and sermon;

(2) For the purposes of this Regulation (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Regulation, a work shall be deemed to be first published within Mysore notwithstanding that it has been published simultaneously in some other place, unless the publication in Mysore is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places, if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be notified by the Government in the Official Gazette.

(4) Where in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Regulation conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a subject of Mysore or a resident within Mysore.

(5) In the application of this Regulation to musical works, the authors whereof were at the time of the making of the works resident in Mysore, or to musical works first published in Mysore, the term “musical work” shall, save as otherwise expressly provided by this Regulation, mean any combination of melody and harmony, or either of them, which has been reduced to writing.

(6) For the purposes of the provisions of this Regulation as to residence, an author of a work shall be deemed to be a resident in Mysore if he is domiciled within Mysore.

CHAPTER I.

Copyright.*General Provisions.*

3. (1) Subject to the provisions of this Regulation, ^{Copyright.} copyright shall subsist throughout Mysore for the term hereinafter mentioned in every original literary, dramatic, musical and artistic work, if—

- (a) in the case of a published work, the work was first published within Mysore and the author thereof was at the date of publication a subject of Mysore or resident within Mysore; and
- (b) in the case of an unpublished work, the author was at the date of the making of the work a subject of Mysore or resident within Mysore,

but in no other works.

(2) For the purposes of this Regulation, “Copyright” means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right—

- (a) to produce, reproduce, perform, or publish any translation of the work;
- (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
- (c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;
- (d) in the case of a literary, dramatic or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered;

and to authorise any such acts as aforesaid.

(3) For the purposes of this Regulation, publication, in relation to any work, means the issue of copies of the work to the public and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

Infringement
of copyright

4. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Regulation conferred on the owner of the copyright :

Proviso.

Provided that the following acts shall not constitute an infringement of copyright :—

(i) Any fair dealing with any work for the purposes of private study, research, criticism, review or newspaper summary ;

(ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work ;

(iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art ;

(iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists ; provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged.

(v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited

by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries.

(vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

(a) sells or lets for hire, or by way of trade, exposes or offers for sale or hire, or

(b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(c) by way of trade exhibits in public, or

(d) imports for sale or hire into Mysore, any work which to his knowledge infringes copyright or would infringe copyright if it had been made within Mysore.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

5. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Regulation, be the life of the author and a period of fifty years after his death:

Term of copy-
right.

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Regulation thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated

at the rate of ten per cent on the price at which he publishes the work ; and for the purposes of this proviso, the Government may make rules prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if the Government thinks fit) rules requiring payment in advance or otherwise securing the payment of royalties.

Compulsory
licenses.

6. If, at any time after the death of the author of a literary, dramatic or musical work which has been published or performed in public, a complaint is made to the High Court that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a license to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the High Court may think fit.

Ownership of
copyright,
etc.

7. (1) Subject to the provisions of this Regulation, the author of a work shall be the first owner of the copyright therein :—

Provided that—

(a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright ;

(b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by license, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Regulation shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a license to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee, as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Regulation as the owner of the copyright, and the provisions of this Regulation shall have effect accordingly.

Special Provisions as to Certain Works.

8. (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Regulation to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last,

Works of
joint authors.

whichever period may be the shorter, and in the provision of this Regulation with respect to the grant of compulsory licenses a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Regulation, the work shall be treated for the purposes of the Regulation as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Regulation "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work, the interest of such married woman therein shall be her separate property.

Posthumous
works.

9. (1) In the case of a literary, dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or in the case of a work of joint authorship at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of five years thereafter, and the proviso to Section 5 of the Regulation shall, in the case of such a work, apply as if the author had died at the date of such publication, performance or delivery in public as aforesaid.

(2) The ownership of author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

10. Where any work has, whether before or after the commencement of this Regulation, been prepared or published by or under the direction or control of the Government of His Highness the Maharaja or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to the Government of His Highness and in such case, shall continue for a period of fifty years from the date of the first publication of the work.

Provision
as to
Government
publications.

11. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Regulation to reside within Mysore if it has established a place of business in Mysore.

Provisions as
to mechanical
instruments.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make, within Mysore records, perforated rolls or other contrivances by means of which the work may be mechanically performed, if such person proves—

- (a) that such contrivances have previously been made by, or with the consent or acquiescence of the owner of the copyright in the work; and
- (b) that he has given the prescribed notice of his intention to make the contrivances and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned:

Provided that—

(i) nothing in this provision shall authorise any alterations in, or omissions from the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are

reasonably necessary for the adaptation of the work to the contrivances in question ; and

(ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which, sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

(a) in the case of contrivances sold within twelve years after the commencement of this Regulation by the person making the same, be two and one half per cent, and

(b) in the case of contrivances sold as aforesaid after the expiration of that period, be five per cent on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in any case, be less than half-an-anna for each separate musical work in which copyright subsists reproduced thereon, and where the royalty calculated as aforesaid includes a fraction of three pies, such fraction shall be reckoned as three pies.

Provided that, if, at any time after the expiration of seven years from the commencement of this Regulation it appears to the Government that such rate as aforesaid is no longer equitable, the Government may, after holding an inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just ; but, where an order revising the rate has been so made no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed

to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Government may make rules prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices, are to be given and the particulars to be given in such notices and the mode, time and frequency of the payment of royalties, and any such rules may, if the Government thinks fit, include rules requiring the payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Regulation, the foregoing provisions shall have effect, subject to the following modifications and additions:—

(a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work shall not apply;

(b) The rate of two and one-half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated;

(c) Notwithstanding any assignment made before the passing of this Regulation of the copyright in a musical work, any rights conferred by this Regulation in respect of the making, or authorising the making of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal representatives and not to the assignees, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or of his legal representatives;

(d) The saving contained in this Regulation of the rights and interests arising from, or in connection with, action taken before the commencement of this Regulation, shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Regulation except on the terms and subject to the conditions laid down in this section;

(e) Where the work is a work on which copyright is conferred by a notification relating to a foreign country, the copyright so conferred shall not, except to such extent

as may be provided by the notification, with respect to the making of records, other contrivances by means of which mechanically performed.

(8) Notwithstanding anything in where a record, perforated roll, or other means of which sounds may be mechanically been made before the commencement of copyright shall, as from the commencement of copyright, subsist therein in like manner as if this Regulation had been in force at the making of the original plate from which it was directly or indirectly derived :

Provided that—

(i) the person who, at the commencement of this Regulation, is the owner of such original work; and the first owner of such copyright; and

(ii) nothing in this provision shall be construed as conferring copyright in any such contrivance, the making thereof would have infringed copyright in any such contrivance, if this provision had been in force at the making of the first-mentioned copy.

Provision as to political speeches.

12. Notwithstanding anything in this Regulation, the making of a copy of a work shall not be an infringement of copyright in a work of political nature delivered at a public meeting and a report thereof in a newspaper.

Modification of copyright as regards translation of works first published in Mysore.

13. (1) In the case of first works published in Mysore, copyright shall be subject to this limitation, namely, the sole right to produce, reproduce, perform or publish a translation of the work shall subsist only for a term of ten years from the date of the first publication.

Provided that if within the said period of ten years any person to whom he has granted permission to publish a translation of any such work exercises that permission, the copyright in such work as regards the sole right to produce, reproduce, perform or publish a translation shall not be subject to the limitation prescribed in this sub-section.

(2) For the purposes of sub-section (1) the expression "author" includes the legal representative of a deceased author.

Provision as to photographs.

14. The term for which copyright in a photograph shall be fifty years from the date of its first publication.

original negative from which the photograph was directly or indirectly derived and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Regulation to reside within Mysore if it has established a place of business in Mysore.

15. (1) This Regulation shall not apply to designs capable of being registered under the Patents and Designs Regulation, 1925, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

Provisions as to designs registrable under Patents and Designs Regulation, 1925.

(2) General rules under Section 73 of the Patents and Designs Regulation, 1925, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

16. (1) Where any person is immediately before the commencement of this Regulation entitled to copyright in any work or to any interest in such a right, he shall, as from that date, be entitled to copyright as defined by this Regulation or to the same interest in such right under this Regulation and such substituted right shall subsist for the term for which it would have subsisted if this Regulation had been in force at the date when the work was made and the work had been one entitled to copyright thereunder.

Existing works.

Provided that—

(a) if the author of any work in which any such right as aforesaid subsists at the commencement of this Regulation has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Regulation the right would have expired, the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Regulation and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

(i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar

interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration, or

(ii) without any such assignment or grant to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment.

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the Official Gazette and in two newspapers published in Mysore.

(b) where any person has, before the date of the passing of this Regulation taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Regulation, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal representatives of a deceased author.

CHAPTER II.

Civil Remedies.

Civil remedies
for infringement
of copy-
right.

17. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Regulation, be entitled to all

such remedies by way of injunction, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3) In any action for infringement of copyright in any work, the work, shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) if, a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated, is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

18. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

Rights of owner against persons possessing or dealing with infringing copies, etc.

19. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting, that copyright subsisted in the work,

Exemption of innocent infringer from liability to pay damages, etc.

Restriction on remedies in the case of architecture.

20. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Regulation as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose penalties, shall not apply in any case to which this section applies.

Limitation of actions.

21. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

Courts having civil jurisdiction regarding infringement of copyright.

22. Every suit or other civil proceeding regarding infringement of copyright shall be instituted and tried in the Court of the District Judge.

Effect of non-registration under Act XX of 1847.

23. No suit or other civil proceeding instituted after the passing of this Regulation regarding infringement of copyright in any book the author whereof was at the time of making the book resident in Mysore or of any book first published in Mysore, shall be dismissed by reason only that the registration of such book had not been effected in accordance with the provisions of the Indian Copyright Act, 1847, as then in force in Mysore.

CHAPTER III.

Penalties.

24. If any person knowingly :—

Offences in respect of infringing copies.

(a) makes for sale or hire any infringing copy of a work in which copyright subsists; or

(b) sells or lets for hire, or by way of trade exposes or offers for sale or hire, any infringing copy of any such work; or

(c) distributes infringing copies of any such work, either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

(d) by way of trade exhibits in public any infringing copy of any such work ; or

(e) imports for sale or hire into Mysore any infringing copy of any such work ; he shall be punishable with fine which may extend to twenty rupees for every copy dealt with in contravention of this section, but not exceeding five hundred rupees in respect of the same transaction.

25. If any person knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be punishable with fine which may extend to five hundred rupees.

Possession of plates for purpose of making infringing copies.

26. If any person, after having been previously convicted of an offence punishable under Section 24 or Section 25 is subsequently convicted of an offence punishable under either of these sections, he shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment on second conviction.

27. (1) The Court before which any offence under this Chapter is tried may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright, or otherwise dealt with as the Court may think fit.

Power of Court to dispose of infringing copies or plates for purpose of making infringing copies.

(2) Any person affected by an order under Sub-section (1) may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie ; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

28. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Cognizance of offences.

29. The provisions of this Chapter shall not apply to any case to which Section 20 applies.

Saving in case of infringement by construction of building.

CHAPTER IV.

Supplemental Provisions.

Provisions
as to
notifications
by Govern-
ment.

30. The Government may, by notification in the Official Gazette, alter, revoke, or vary any notification issued under this Regulation, or under any enactments repealed by this Regulation but any notification issued under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the notification comes into operation, and shall provide for the protection of such rights and interests.

Repeal

31. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

SCHEDULE.

REPEAL OF ENACTMENTS.

(See Section 31.)

Year	No.	Title	Extent of Repeal
1847	XX	The Indian Copyright Act, 1847, as applied to Mysore by the Notification of the Government of India, Foreign Department, No. 176, Judicial, dated the 12th September 1867.	So much as has not already been repealed.

Year	No.	Title	Extent of Repeal
1867	XXV	The Press and Registration of Books Act, 1867, as applied to Mysore by the Notification of the Government of India, Foreign Department, No. 176, Judicial, dated the 12th September 1867.	<p>In Section 18, the following words, namely:—</p> <p>“Every registration under this section shall, upon payment of the sum of two rupees to the officer keeping the said Catalogue be deemed to be an entry in the book of Registry kept under Act No. XX of 1847 (for the encouragement of learning in the territories subject to the Government of the East India Company by defining and providing for the enforcement of the right called copyright therein); and the provisions contained in that Act as to the said Book of Registry shall apply <i>mutatis mutandis</i> to the said Catalogue.”</p>

REGULATION No. XII OF 1933.*

(Received the assent of His Highness the Maharaja
on the 29th day of December 1933.)

A Regulation to amend the Mysore Lunacy Regulation, 1916.

- Preamble.** Whereas it is expedient to amend the Mysore Lunacy Regulation, 1916 ; It is hereby enacted as follows :—
- Short Title.** 1. This Regulation may be called the Mysore Lunacy (Amendment) Regulation, 1933.
- Amendment of section 3.** 2. In sub-section (1) of section 3 of the Mysore Lunacy Regulation, 1916 (hereinafter referred to as the said Regulation), the figures and letter "10-A" shall be inserted between the figures "7" and "14."
- Amendment of section 4.** 3. After sub-section (1) of section 4 of the said Regulation, the following proviso shall be added :—
" Provided that in cases in which one of the certificates is signed by the Superintendent of the Mental Hospital and he certifies that the alleged lunatic is in immediate need of treatment in the Hospital, the application for a reception order may be made to the Magistrate within the local limits of whose jurisdiction the Hospital is situated."
- Addition of a new section as 10-A.** 4. After section 10 of the said Regulation, the following section shall be added :—
"10-A. (1) In cases of urgency where it is expedient for the welfare of the person alleged to be lunatic that the
- Urgency orders.**

* Published with Notification No. P. 3194—Legis. 66-32-5, dated 5th and 6th January 1934.

For discussions in the Representative Assembly, see Proceedings of the Assembly, June 1933, pp. 17-18.

For debates in the Legislative Council see Proceedings of the Council, June 1933, pp. 31-34 ; December 1933, pp. 21.

For statement of objects and reasons see *Mysore Gazette* dated 8th June 1933, Part IV, pp. 97.

alleged lunatic shall be forthwith placed under care treatment, he may be received and detained in the Me Hospital upon an urgency order, made (if possible) by husband or wife or by a relative of the alleged lunatic accompanied by one medical certificate.

(2) An urgency order may be signed before or after the medical certificate.

(3) If an urgency order is not signed by the husband or wife or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed and of the connection with the alleged lunatic of the person signing the order, and the circumstances under which he signs the same.

(4) No person shall sign an urgency order unless he is at least twenty-one years of age and has within ten days before the date of the order personally seen the alleged lunatic.

(5) An urgency order may be made as well after as before a petition for a reception order has been presented. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the Magistrate to whom the petition has been presented.

(6) An urgency order shall remain in force for seven days from its date: or if a petition for a reception order is pending, then until the petition is finally disposed of.

(7) An urgency order shall have sub-joined thereto, a statement of particulars and shall be in the form prescribed.

REGULATION No. XIII OF 1933.*

(Received the assent of His Highness the Maharaja on the 29th day of December 1933.)

A Regulation further to amend the Code of Criminal Procedure, 1904, for a certain purpose.

Preamble.

Whereas it is expedient further to amend the Code of Criminal Procedure, 1904, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called the Code of Criminal Procedure (Amendment) Regulation, 1933.

Amendment of section 523.

2. In section 526 of the Code of Criminal Procedure, 1904,—

(a) In sub-section (5), for the words “has power under this section to award by way of costs” the words “may under this section award by way of compensation” shall be substituted;

(b) In sub-section (6), for the words “Public Prosecutor” the words “Government Advocate” shall be substituted;

(c) (i) In sub-section (6-A), for the word “costs” the word “compensation” shall be substituted, and for the words “any expenses reasonably incurred by such person in consequence of the application” the words “such sum not exceeding two hundred rupees as it may consider proper in the circumstances of the case” shall be substituted;

* Published with Notification No. P. 3193—Legis. 34-33-3, dated 6th January 1934.

For discussions in the Representative Assembly, see Proceedings of the Assembly, June 1932, pp. 57-60, October 1933, pp. 57-69.

For debates in the Legislative Council see Proceedings of the Council, December 1933, pp. 25-53, 192-201.

For Report of the Select Committee see *Mysore Gazette* dated 21st December 1933, Part IV, p. 611.

For statement of objects and reasons see *Mysore Gazette* dated 19th October 1933, Part IV, pp. 579-582,

(ii) The following proviso shall be added to sub-section (6-A) :—

“ Provided that no such order for payment of compensation shall be passed unless the applicant has had an opportunity of showing cause to the contrary.”

(d) for sub-section (8) the following sub-section shall be substituted, namely :—

“(8) If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court at any stage before the defence closes its case that he intends to make an application under this section, the Court shall, upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred rupees that he will make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon :

Provided that nothing herein contained shall require the Court to adjourn the case upon a second or subsequent intimation from the same party, or, where an adjournment under this sub-section has already been obtained by one of several accused, upon a subsequent intimation by any other accused ;”

(e) to sub-section (9) the following Explanation shall be added, namely :—

“ *Explanation.*— Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344 ;”

(f) after sub-section (9) as so amended the following sub-section shall be added, namely :—

“(10) If, before the argument (if any) for the admission of an appeal begins, or, in the case of an appeal admitted, before the argument for the appellant begins, any party interested intimates to the Court that he intends to make an application under this section, the Court shall, upon such party executing, if so required, a bond without sureties of an amount not exceeding two hundred rupees that he will make such application within a reasonable time to be fixed by the Court postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon.”

REGULATION No. XIV OF 1933.*

*(Received the assent of His Highness the Maharaja
on the 29th day of December 1933.)*

**A Regulation further to amend the Criminal Tribes
Regulation, 1916.**

Whereas it is expedient to further amend the Criminal Tribes Regulation, 1916; It is hereby enacted as follows:—

1. For section 10 of the Criminal Tribes Regulation, 1916 (hereinafter referred to as the said Regulation), the following section shall be substituted, namely:—

"10 (1) The Government may, by notification in the Official Gazette, issue in respect of any criminal tribe either or both of the following directions, namely, that every registered member thereof shall, in the prescribed manner,—

(a) report himself at fixed intervals;

(b) notify his place of residence and any change or intended change of residence, and any absence or intended absence, from his residence.

(2) Where a registered member of a criminal tribe in respect of which the Government has issued a notification under sub-section (1) changes his place of residence to a district other than that in which he has been registered, or is for the time being in any district other than that in which he has been registered, the provisions

* Published with Notification No. P. 3192—Legis. 25-33-3, dated 6th January 1934.

For discussions in the Representative Assembly, see Proceedings of the Assembly, October 1933, pp. 56-57.

For debates in the Legislative Council, see Proceedings of the Council, December 1933, pp. 22-25.

For statement of objects and reasons see *Mysore Gazette* dated

of this Regulation and of the rules made thereunder shall apply to him as if in pursuance of a direction made under section 4 he had been registered in that district.

(3) Where any such registered member changes his place of residence to a district other than that in which he has been registered, the relevant entry in the register shall be transferred to the Superintendent of Police of that district."

2. The word "hereafter" occurring in sub-section (1) of section 24 of the said Regulation shall be omitted and the following proviso be added after clause (b) of the said sub-section:—

Amendment
of section 24

"Provided that not more than one of any such convictions which may have occurred before the 14th day of December 1916 shall be taken into account for the purposes of this sub-section."

INDEX.

Subject	Section	Page
Adulteration (Amendment) Regulation ...	Regulation IV of 1929	
Amendment of—Section 2 ...	...	4
Do 12 ...	...	4
Do 17 ...	...	4
Adulteration (Amendment) Regulation ...	Regulation IV of 1930	
Amendment of—Section 2 ...	2	28
Do 5 ...	3	28
Do 20 ...	4	29
Betting tax Regulation ...	Regulation IX of 1932	
Betting tax ...	6 (1)	136
—Procedure of making over — to Government ...	7	136
—accounts of ...	8	136
Commencement — ...	1	134
Definitions ...	2	134
Gaming — ...	12 (1)	137
Gaming—Instruments of — ...	12 (2)	137
Punishment ...	11	137
Totalisators—tax on— and payment there of ...	3	135
Totalisator tax—Procedure of making over — to Government ...	4	135
Totalisator tax—Accounts of — ...	5 (1)	135
Census Regulation ...	Regulation V of 1930	
Census officers—appointment of— ...	2	30
—proof of appointment of — and their status as public servants ...	3	30
—discharge of duties of — in certain cases ...	4	30

Subject	Section	Page
Census officers—Asking of questions by — ...	6	32
Commencement—Title and extent ...	1	30
District Magistrate —power of — to call upon certain persons to Government assistance ...	5	31
Jurisdiction—in prosecutions ...	11	33
Obligation—to answer questions ...	7	32
Occupier—to allow access and permit affixing of numbers ...	8	32
—or manager to fill up schedule...	9	32
Penalties— ...	10	33
Power—in regard to expenses ...	14	34
Power—to make rules ...	15	34
Records of—Census not open to inspection etc. ...	12	34
Temporary Suspension of—local enactments and rules, etc. ...	13	34
City Municipalities Regulation ...	VII of 1933.	
A		
Absence of Presidents — Meeting how presided over in the — ...	27 (5)	196
Accounts—Presentation of— ...	204	303
—maintenance of—and restrictions on expenditure. ...	206	304
—Audit of — ...	207	305
—Transmission of—to Government ...	213	306
—Publication of — ...	214	307
Amounts—Recovery of— disallowed ...	212	306
Annual administration report ...	215	307
Assessor—Appointment of — ...	68 (1)	226
Assessment list —Preparation of — ...	69	226
—Publication of notice of — ...	71	227
—Public notice of time fixed for revising — ...	72 (1)	227
—Amendment of — ...	73 (1)	228
—New — need not be prepared every year ...	75 (1)	229
B		
Boundary marks —Erection and maintenance of — ...	4 (3)	178
Bricks—Licenses to be taken for burning—	166	277

Subject	Section	Page
Brothels —	184	292
Budget—Revision of — ...	205	304
Buildings—Person primarily liable for a rate on — ...	70	226
—Occupier liable for a rate on — lands or both until he gives information ...	70 (2)	227
—Rocks and external walls of — not to be made of inflammable materials ...	112 (1)	249
—Level of — ...	113	250
—Notice of new — ...	115	250
—Power of Government to prohibit the erection of — in certain areas without permission ...	116 (1)	253
—Penalty for defacing— ...	139	263
—Ruinous or dangerous— ...	141	264
—Deserted and offensive— ..	154 (3)	272
—Buildings or rooms in — unfit for human habitation ...	155	273
Buildings—Power to enter and inspect—	156	274
—Proceedings to abate the overcrowding interiors of— ...	178	286
Bye-laws—Power to make— ...	51 (1)	210
—Fine may be imposed for infringement of — ...	51 (2)	214
—Publication of drafts of proposed — ...	51 (2)	215
—Rules and — to be printed and sold ...	52	215
C		
Cattle—Tethering, etc., ...	162 (1)	276
Chief officer—Appointment of — ...	233	317
—Duties of -- ...	235	318
—Powers of — ...	236	318
Chairman—To be <i>ex-officio</i> — when ...	34 (1)	201
—When <i>ex-officio</i> or appointed does not attend meeting, Committee may appoint — ...	34 (4)	201
—If there is no <i>ex-officio</i> or appointed—by the Municipal Council ...	34 (5)	201
Circular—Procedure by — ...	36 (1)	202
City municipalities—Delimitation of —	4 (1)	178
—Conversion of town Municipalities into— ...	5 (1)	179
—What local area may be declared to be —	6 (1)	180

Subject	Section	Page
Census officers—Asking of questions by — ...	6	32
Commencement—Title and extent ...	1	30
District Magistrate —power of — to call upon certain persons to Government assistance ...	5	31
Jurisdiction—in prosecutions ...	11	33
Obligation—to answer questions ...	7	32
Occupier—to allow access and permit affixing of numbers ...	8	32
—or manager to fill up schedule...	9	32
Penalties— ...	10	33
Power—in regard to expenses ...	14	34
Power—to make rules ...	15	34
Records of—Census not open to inspection etc. ...	12	34
Temporary Suspension of—local enactments and rules, etc. ...	13	34
City Municipalities Regulation ...	VII of 1933.	
A		
Absence of Presidents — Meeting how presided over in the — ...	27 (5)	196
Accounts—Presentation of— ...	204	303
—maintenance of—and restrictions on expenditure. ...	206	304
—Audit of — ...	207	305
—Transmission of—to Government ...	213	306
—Publication of — ...	214	307
Amounts—Recovery of— disallowed ...	212	306
Annual administration report ...	215	307
Assessor—Appointment of — ...	68 (1)	226
Assessment list —Preparation of — ...	69	226
—Publication of notice of — ...	71	227
—Public notice of time fixed for revising — ...	72 (1)	227
—Amendment of — ...	73 (1)	228
—New — need not be prepared every year ...	75 (1)	229
B		
Boundary marks —Erection and maintenance of — ...	4 (3)	178
Bricks—Licenses to be taken for burning—	166	277

Subject	Section	Page
Brothels —	184	292
Budget—Revision of —	205	304
Buildings — Person primarily liable		
for a rate on —	70	226
— Occupier liable for a rate on —		
lands or both until he gives		
information	70 (2)	227
— Rocks and external walls of —		
not to be made of inflammable		
materials	112 (1)	249
— Level of —	113	250
— Notice of new —	115	250
— Power of Government to prohibit		
the erection of — in certain areas		
without permission	116 (1)	253
— Penalty for defacing —	139	263
— Ruinous or dangerous —	141	264
— Deserted and offensive —	154 (3)	272
— Buildings or rooms in — unfit		
for human habitation	155	273
Buildings — Power to enter and inspect —	156	274
— Proceedings to abate the over-		
crowding interiors of —	178	286
Bye-laws — Power to make —	51 (1)	210
— Fine may be imposed for infringe-		
ment of —	51 (2)	214
— Publication of drafts of proposed		
—	51 (2)	215
— Rules and — to be printed and		
sold	52	215
C		
Cattle — Tethering, etc.,	162 (1)	276
Chief officer — Appointment of —	233	317
— Duties of —	235	318
— Powers of —	236	318
Chairman — To be <i>ex-officio</i> — when	34 (1)	201
— When <i>ex-officio</i> or appointed		
does not attend meeting, Com-		
mittee may appoint —	34 (4)	201
— If there is no <i>ex-officio</i> or		
appointed — by the Municipal		
Council	34 (5)	201
Circular — Procedure by —	36 (1)	202
City municipalities — Delimitation of —	4 (1)	178
— Conversion of town Muni-		
cipalities into —	5 (1)	179
— What local area may be declared		
to be —	6 (1)	180

Subject	Section	Page
City Municipal Council—Constitution and incorporation of— ...	8	181
—Disputes between a — and one or more other local authorities...	227	313
Commencement— -- ...	1 (3)	175
Committees—When persons other than Councillors may serve on— ...	32	200
—Subordination of — to instructions of Municipal Council and compliance with requisition of Municipal Council ...	37	202
Compensation—Arbitration in case of—	191	297
Compromise—power of— ...	199	301
Confidence—Vacation of office by President and Vice-President for want of — ...	23(10)	191
Contracts—Sanction by resolution at general meeting requisite to validity of certain — ...	41 (3)	205
—Mode of executing— ...	41 (7)	205
—Invalidity of — unless requirements of section are fulfilled ...	41 (8)	206
—by officers appointed by Government ...	42	206
Contract—Officer or servant of any Municipal Council not to be interested in any — with such Municipal Council ...	45	207
—Penalty for Councillor, officer or servant of a Municipal Council being interested in any — ...	46 (a)	207
—Mode of executing ...	252	327
—Tenders to be invited for — involving expenditure exceeding five hundred rupees ...	253	328
—Security when to be taken for performance of — ...	254	328
Corrupt practice —declaration in case of — by a candidate ...	20 (3)	188
—What is a — ...	20 (4)	188
—Candidate when deemed to have committed — ...	20 (4)	188
—Disqualification of candidate for—	20 (6)	189
Councillor—general disqualification for becoming a — ..	12 (1)	183
—Disability from continuing a ...	12 (2)	185
—Re-eligibility of ...	18	187
—Publication of Names of — in the Gazette ...	19	187

Subject	Section	Page
Cultivation—Regulation or prohibition of certain kinds of— ...	160	275
D		
Dangerous diseases—Prevention of—...	174	282
—Duties of Municipal Council on threatened or actual outbreak of — ...	175 (1)	284
Dead—Closing places for disposal of the — ...	180	289
Deputy Commissioner—Extra-ordinary powers of—in case of emergency	219	308
—restrictions on the power of —	232	316
Disease—Duties of Municipal Council in respect of — among horses, dogs, cattle etc. ...	177	286
Dispensaries—Certificated— ...	170 (2)	278
Distrain—Limitation for — ...	195	300
Distress—Lawful —though defective in form ...	196	300
Dogs—Provision as to— ...	149	270
Drains—Municipal control over, etc. ...	119	255
—Powers for making— ...	120	255
—New buildings not to be erected without — ...	121 (2)	256
Drains—Right to carry — through land or into drain belonging to other persons, etc. ...	124	257
Drain—Rights of owners of land through which — is carried, in re to subsequent building thereon.	126	258
Drains—Power to close existing private.	129	259
—Inspection of— ...	132	260
Drugs—uncertified person dispensing—	171 (1)	279
Dust etc.,—Depositing— ...	150	270
E		
Elections—Determination of validity of.	20 (1)	187
—Bar of suits relating to— ...	21	189
—Salaried servants of Government ineligible for — ...	23 (5)	190
Elected Councillor—Enrolment in Municipal election roll necessary for — ...	11 (3)	183
Elected and nominated Councillors—Government may determine the number of — fix proportion of...	10	182

Subject	Section	Page
Entry in roll—right to vote to depend on —	11 (2)	183
European drugs—Registry for shops for sale of—	170 (1)	278
Expenditure—prohibition of — not budgetted for	203	302
F		
Factories—in crowded localities	182 (1)	291
Filth—non-removal of—	152	271
Filthy buildings, etc.	154	272
Filth—Feeding animals on—	163	276
Food—Unwholesome articles of — and Drink	172 (1)	279
—adulterated articles for — or drink.	172 (2)	280
Fouling water	158	274
Goats—licensing of — and pigs	164	276
Goods—Sale of — distrained in special cases	97 (1)	241
Government—Power of — to decide whether vacancy has occurred	12 (3)	186
—Channel of communication with—	24 (3)	194
—Special provision in regard to works executed by —	221	309
—Power of — to prevent extravagance in the employment of establishment	223	311
—Power of — to provide for performance of duties in default of Municipal Council	224	312
—Power of — to direct person in custody of municipal fund to pay Government dues	225	312
—Power of — to dissolve or supersede Municipal Council in case of incompetency, default or abuse of powers	226	312
—Power of — to make rules and orders	228	313
—Power of — to cancel or modify bye-laws and rules of Municipal Councils	229	316
—Powers of—and of Deputy Commissioners over subordinates	230	316
Government auditor—Powers of—	208	305
—duties of—	209	305
—disallowance by — and order by Deputy Commissioner	210	306

Subject	Section	Page
Government Officers—Propositions when to be sent to — for remarks	36 (2)	202
Government Executive Engineer— Notice of business to be trans- acted must in certain cases be given to the — ...	27 (15)	198
H		
Health Officer—Appointment of— and Engineer ...	234	317
Hoardings—to be set up during repairs	145	267
Huts—Regulation of — ...	117	254
—Improvements of — ...	118	254
I		
Individual Councillors—Rights and pri- vileges of —and president ...	29	199
Interpretation Section— ...	3	176
Invalidate election—Mere irregularities and informalities not to — ...	20 (5)	189
L		
Land—Acquisition of— ...	43	206
Leave—Limit of grant of — and arrangements during ...	23 (8)	191
Lessee—Power of — to expel persons who refuse to pay fees ...	82 (5)	232
Liability—to removal from office ...	14	186
List—Authentication of — ...	72 (6)	228
—Custody and inspection of— ...	72 (7)	228
—Authenticated—how for conclusive	72 (8)	228
M		
Magistrates—Appeal to — ...	101 (1)	243
—Jurisdiction of — ...	193 (2)	299
Managing Committee— ...	30 (1)	199
—Powers of— ...	30 (2)	200
Manure—Using offensive— ...	161	275
Markets etc—Licensing— ...	167	277
—opening, closing and letting of — and slaughter-houses ...	168	278
Meeting—Notice to be given of — ...	27 (3)	195
—adjournments of — ...	27 (13)	197
Municipalities—Naming of — com- prising two or more places ...	6 (2)	180

Subject	Section	Page
Municipal Council—Property and rights of — which has ceased to exist to vest in Government ...	4 (4)	179
—to consist of elected and nominated Councillors ...	9 (1)	181
—Municipal Government to vest in — ...	22 (1)	189
—Provisions in regard to meetings of — ...	27	195
—Certain Government officers may attend meetings of — ...	27 (16)	198
—vacancy not to affect to — proceedings ...	39 (3)	203
—Joint Committees of two or more— ...	40	204
—Competency of — to lease, sell and contract ...	41	204
—Municipal fund ordinarily liable for all costs and expenses incurred by — ...	44	206
—Power of — to borrow money... ..	57	217
—Duties of — ...	58	217
Municipal Councils—Power of Government to exempt — from any of the duties ...	60	219
—Discretionary powers of expenditure of — ...	61	219
—Management of public institutions maintained by — to vest in it ...	63	221
—Notice to be given to— of all transfers by title by persons primarily liable to payment of taxes on buildings etc. ...	77 (1)	230
—Notice to be given to the — of demolition or removal of a building ...	74 (1)	229
—Power to inspect the office of — ...	217	308
—Deputy Commissioner's power of suspending execution of orders etc., of— ...	218	308
—Contributions from — towards pension and leave allowances of Municipal Commissioner ...	243	322
—Power of — to require returns, reports or production of documents ...	244	323
—Power to execute contracts on behalf of — ...	251	326

Subject	Section	Page
Municipal Commissioner——Right of — to be present and to speak at municipal meetings ...	28 (1)	199
——Appointment of— ...	239	321
——Salary of — ...	241	321
——Powers of—and limitation there on — ...	245	323
——Punishment for person disobey- ing lawful direction given by — ...	247	325
——Power of — to appoint, grant leave, punish and dismiss ...	248	325
——Delegation of powers of— ...	250	326
Municipal Council and Committees—— Acts and proceedings not vitiated by disqualifications etc., of mem- bers there of — ...	39 (1)	203
Municipal Drains——Power of owners and occupiers of building or lands to drain into — ...	122	257
——Encroachment on — ...	131	260
Municipal Fund—— ...	54	216
——Application of — and property... ...	55	216
Municipal Limits——Slaughter houses etc., beyond ...	169	278
Municipal Matters——Government inquiry into — ...	222	310
Municipal Office——Municipal meetings to be held at — ...	27 (4)	195
Municipal Property——Damage to —how made good ...	197	300
N		
Night soil——Removal of — ...	153 (1)	271
Notice——Form of— ...	78 (1)	230
Notices etc.——Service of — addressed to individuals ...	185 (1)	293
——Service of — on owners and occupiers of buildings and lands. ...	185 (2)	293
——Public and general — how to be published ...	185 (3)	294
——Defective form not to invalidate —or bills ...	185 (4)	294
——Punishment for disobedience to orders and — not punishable under any other section ...	186	294
Nuisances——Abatement of—from wells etc. ...	159	274

Subject	Section	Page
O		
Objections—How to be made ...	72 (3)	227
— hearing of— ...	72 (4)	227
Octroi—Power to examine articles liable to— ...	88 (1)	236
—Power to search where — is leviable ...	88 (2)	236
—Presentation of bills for — ...	89	236
—Penalty for evasion of — ...	89 (2)	236
—Penalty for selling articles liable to — without a license. ...	90 (1)	236
—Seizure of articles on which — duty has not been paid and arrest of persons in possession of such articles ...	90 (2)	237
—Power to seize vehicle for non-payment of — or toll ...	92 (1)	237
Occupier—Proceedings if any — opposes the execution of the Regulation ...	189	297
—Municipal Council in default of owner or — may execute work and recover expense ...	187 (1)	295
—Power to levy charges on — who may deduct the same from his rent ...	187 (2)	296
Office—Term of— ...	15	186
Officers—Powers, duties and functions may be delegated to — whose expenses may be paid ...	38	202
Offences—Power to compound ...	194	300
Overcrowded Areas—Special powers which may be conferred by Government in respect of — notified by Government ...	179	287
Owner—Occupier in default of — may execute works and deduct expenses from his rent ...	188	296
P		
Pavements—Displacing— ...	143 (1)	266
Pecuniary Interest—Councillor not to vote on questions in which he has— ...	27 (11)	197
—Presiding authority to vacate the Chair when he has — in any matter under discussion ...	27 (12)	197

Subject	Section	Page
Police Officers—Power of — ...	202	302
President—Every Municipal Council to have a — ...	23 (1)	190
—When Deputy Commissioner may perform functions of— ...	23 (6)	191
—Consequence of absence of — or Vice-President without leave ...	23 (7)	191
—Term of office of — and Vice-President of Municipal Council.	23 (12)	192
—Remuneration of — and Vice-President of Municipal Council.	23 (14)	192
—Functions of — ...	24	193
—Liability of — Vice-President, members and officers for loss, waste or misappropriation ...	44 (2)	206
Privies, etc.,—Provision of — ...	127 (1)	258
—Cost of altering, repairing and keeping in proper order ...	128 (1)	259
Proceedings—Minutes of — to be kept.	27 (9)	196
Projections—Permission necessary for	135 (1)	262
—Removal of — ...	135 (3)	262
Property—Power to acquire and hold.	53 (1)	215
—Power to Government to resume — ...	53 (3)	216
Propositions—Decisions how to be taken on — circulated ...	36 (3)	202
Prosecute—Municipal Council may—...	193 (1)	299
Public—Meeting must ordinarily be open to the — ...	27 (6)	196
Public servants—Councillors, etc., to be deemed— ...	48 (1)	208
Public Street—Regular line of— ...	108	247
Public Streets—Obstructions and encroachments upon — and open spaces ...	144 (1)	266
—Provision of facilities when work is executed in — ...	146 (1)	268
Public Works—Agency for execution of.	220	309
Q		
Quarrying—Dangerous— ...	148	269
Quorum—Number of Councillors required to form— ...	27 (7)	196
—Number of members required to form—at Committee meetings...	35 (3)	202
R		
Rain Water—Troughs and pipes for —	136	263
Records — Custody of — ...	25	194

Subject	Section	Page
Removal of—Presidents and Vice-Presidents	23 (11)	192
Rent—Assistance for the recovery of — on land	200	301
Repeal—	2	175
Resignation—	13	186
Resolutions—Modification and cancellation of	27 (14)	197
Rules—Municipal Councils to make —	49	208
—Approval required to—	49 (Proviso)	210
Revising Authority—	72 (2)	227
S		
Sanctioned Rules—Publication of — with notice	67	225
Sewers—Power in respect of — unauthorisedly constructed rebuilt or unstopped	130	260
Sewage—Discharging etc—	151	271
Smoke—Consumption of—	165	276
Streets—Power regarding... ..	104 (1)	244
—Power to require repair of—	105 (1)	244
—Power to declare any — a Public Street	105 (4)	245
—Temporary closure of—	106	245
—Setting forward to regular line of	110	249
—Buildings at corner of—	111	249
—Timber not to be deposited or hole made in a — without permission	147 (1)	268
Suits—Limitation of—	201	301
Surplus funds—Power to deposit and invest—	56 (1)	217
Sweepers—Notice to — and scavengers before discharge	47 (1)	207
—Penalty for withdrawal of—with-out notice	47 (2)	208
Swine—Keeping—	162 (2)	276
T		
Tax—Power to suspend, reduce or abolish any existing —	50 (1)	210
—From whom primarily leviable	76	229
—Remission of— in case of vacancies when obligatory	81 (1)	231
—Power to compound — on vehicles or animals	83 (3)	234

Subject	Section	Page
Taxes—Which may be imposed ...	64	221
—liability for payment of — on buildings or lands to continue in the absence of notice of transfer.	80 (1)	231
—Power of Government to suspend or prohibit levy of objectionable.	85	234
—Power of Government to require Municipal Council to impose ...	86	235
—Presentation of bills for— ...	95 (1)	239
Tenders—when should be invited ...	41 (5)	205
Toll—Composition of — ...	83 (4)	234
Tolls—Tables of—to be shown on demand ...	91	237
Tolls—Farming of— ..	94	238
Trades—Regulation of certain— ...	181	290
Transferee—Name of — to be substituted in the Municipal registers ...	79	231
U		
Unauthorised Occupation—Levy off ees for— ...	82 (2)	232
V		
Vice-President—To be elected ...	23 (4)	190
—Functions of— ...	26	194
Votes—All questions must be decided by a majority of — ...	27 (10)	197
W		
Warrant—In what cases may issue—	96 (1)	240
—By whom to be signed ...	96 (2)	240
—To whom should be addressed...	96 (3)	240
—How to be executed ...	96 (5)	241
Watermains—Power of carrying— ...	134	261
Water Supply—Powers and duties with regard to dangerous stagnant or insanitary sources of— ...	142	265
Weighing—False weights and measures and instruments for— ...	173	282
Workmen—Use of Siren or whistle for summoning or dismissing ...	183	292
Civil Procedure (amendment) Regulation.	Regulation No. I of 1929.	
Amendment—Of section 1. ...	2	1
Commencement—Short title ...	1	1

Subject	Section	Page
Civil Procedure (amendment) Regulation.	Regulation VI of 1930.	
Mysore Military Forces ...	1 (1)	35
Coffee Cess (Amendment) Regulation.	Regulation XIII 1930.	
Contract Act (amendment) Regulation VI of 1932.	Regulation VI 1932.	
—Amendment of — Section 178.	2	125
Contempt of Court Regulation XI of 1930.	Regulation XI of 1930.	
Commencement—Short title, extent and— ...	1	55
Contempt of Court—Definition of—	2	55
Contempt of Court—Punishment for—	3	55
Cognizance of offences under the Regulation — Power of High court to take— ...	4	56
High Court—Powers and procedure of—	5	56
Co-operative Societies (amendment) Regulation.	Regulation No. V of 1929.	
Account—When to be taken by Registrar	64	10
Amendment—Of section 4 ...	1	5
Bank's Rights—Not affected by subsequent transfer ...	61	9
Bank's Duties—On taking possession of mortgaged land ...	62	9
Bye-laws—Subject to previous approval of Government ...	53	6
Debentures—Issue of— ...	56	7
Debenture Holders—Appointment of representatives of— ...	55	7
Debentures—To be negotiable instruments ...	57	7
Definitions—	52	5
Execution of—order of sale made by the Registrar ...	63	9
Execution of—orders for possession ...	65	11
Loan—when may be recalled ...	59	8
Loan—recalled — remedies if not paid.	60	8
Loans—Purposes for which granted ...	58	7
Remedies—if a loan recalled ...	60	8
Rules—	66	11

Subject	Section	Page
Co-operative Societies (amendment) Regulation VI of 1933.	Regulation VI of 1933.	
Addition of—A new Section 36 (a) Inspection of books by finan- cing banks ...	8	166
— „ 43 (h) Power of Government and Registrar to call for proceedings and to pass orders thereon ...	18	173
— „ 43 (a) disputes ...	14	169
— „ 43 (c) Money how Recovered ...	16	171
— Sections 43 (d), E, F, & G.	17	172
— Section 38 (A) ...	10	166
— „ 43 (b) Summoning of witnesses ...	15	171
Amendment of—Section 2 ...	1	163
— „ 17 ...	5	164
— „ 35 ...	6	164
— „ 37 ...	9	166
— „ 39 ...	11	167
— „ 42 ...	12	168
— „ 44 ...	19	173
— „ 52 ...	20	173
— „ 53 ...	21	173
— „ 54 ...	22	174
— „ 55 ...	23	174
— „ 58 ...	24	174
— „ 66 ...	25	174
— „ 67 ...	26	174
Committee —Supersession of— ...	10	166
Disputes— ...	14	169
Property—Attachment of— ...	13	169
Surcharge— ...	13	168
Witnesses—Summoning of— ...	15	171
Cotton ginning and Pressing factories.	Regulation VI of 1929.	
Bales—Marking of ...	4	14
Commencement—Short title extent ...	1	12
Definitions— ...	2	12
Factories—Structural requirements for— ...	9	15
Lessee—Liability of -- as owner ...	7	15
Liability on—Transfer of ownership ...	8	15
Liability of—Officers of a company ...	10	16
Offences—Conizance of— ...	11	16
Protection—For acts done under Regulation ...	14	17

Subject	Section	Page
Returns—	5	14
Rules—Power of Government to make—	12	17
Scales—And weights ...	6	14
Copy Right Regulation XI of 1933.	Regulation XI of 1933.	
Architecture—Restriction on remedies in the case of— ...	20	556
Copy Right—Courts having jurisdiction re: infringement of— ...	22	556
Copy Right—	3 (1)	543
Copy Right—Infringement of— ...	4	544
—Term of— ...	5	545
—Ownership of— etc ...	7	546
—Modification of—as regards trans- lation of works first published in Mysore ...	13	552
—Civil remedies for infringement of —	17	554
Government Publications—Provision as to — ...	10	549
Innocent Infringer—Exemption of — from liability to pay damages, etc.	19	555
Joint Authors—Works of ...	8 (1)	547
Mechanical instruments—Provisions as to	11	549
Offences—Cognizance of — ...	28	557
Political Speeches—Provisions as to —	12	552
Posthumous Works—	9	548
Photographs—Provision as to — ...	14	552
Repeal—	31	558
Criminal Procedure (Amendment) ...	Regn. II of 1933	
New Section addition 58-A -- addition of —Pursuit and arrest in Mysore of persons accused of offences committed elsewhere	...	141
Criminal Procedure (Amendment) ...	Regn. XIII of 1933	
Amendment of—Section 526 ...	2	562
Criminal Tribes (Amendment) ...	Regn. XIV of 1933	
Amendment of—Section 24 ...	2	565
Criminal Tribes—Members of -- to report themselves or notify residence ...	1	564

Subject	Section	Page
District Boards' (Amendment) Regulation	Regn. II of 1929	
Amendment of—Section 11 ...	...	2
District Boards' (Amendment) Regulation.	Regn. VIII of 1930	
Amendment—of Section 35 ...	1	37
District Boards' (Amendment)	Regn. II of 1932	
District Board—Power of — to levy Railway cess ...	...	101
Elementary Education Regulation ...	Regn. X of 1930	
Absorption of—Staff of the Schools transferred to local education authority ...	6	41
Accounts—Audit of— ...	17	45
Annual budget of—School board ...	22	46
Appointment of—Subordinate staff ...	25	47
—officers of Education department as school board officers ...	26	47
—School Committees ...	42	51
Child's Employment—prohibition of... ..	41	51
Compulsory Education—Programmes of	33	49
Definitions—	2	39
Departmental requirements—Penalty for noncompliance with— ...	10	42
Departmental—Inspection and Control	9	42
Delegation of—Powers by Government.	47	53
Elementary Education Fund—Constitution of—	13	43
Employer's—Liabilities	44	52
Expenditure—existing sanctioned — from education cess for other purposes to continue ...	12	43
Immoveable property—Transfer of— ...	15 (3)	44
Local Education authorities—Transfer of Government and Village Aided Schools to— ...	5	41
Local Education Authority—Scheme to be put into operation by the —	30	48
—Recovery of expenses payable to Government but not paid by the—	36	50
Municipal Councils and Village Panchayets	(Compulsory)	
—Delegation of powers to —.	46	52
	45	52

Subject	Section	Page
Parent—Prosecution of — ...	43 (a)	51
Penalty for—Repeated non-compliance.	43 (b)	52
Programme and Statement—Preparation and submission of— ...	27	47
Property and fund—How to be applied	14	44
Repeal ...	49	53
Rules—Power to make — ...	48	53
School Committees—Appointment of—	42	51
Scheme of Compulsion—Withdrawal or modification of a — ...	37	50
Surplus Funds—Power to deposit and invest— ...	15	44
Elementary Education (Amendment) ...	Regn. V of 1933	
Addition of—An explanation to Section 4 ...	1	162
—a new sub-section to Section 11.	2	162
Amendment of—The first proviso of section 49 (2) ...	3	162
Entertainment Tax ...	Regn. VIII of 1932	
Commencement ...	1	128
Definitions ...	2	128
Entertainment—Tax on payment for admission to— ...	3	129
—admission to ...	4	129
Exemptions ...	8	131
Inspection ...	11	132
Payment—Manner of ...	7	130
Recoveries— ...	10	132
Rules ...	12	132
Tax—Penalty for non-payment of—	5	130
—Apportionment of the proceeds of— ...	14	133
Forest (Amendment) ...	Regn. IV of 1932	
Proviso to section 73 (2)—Addition of a — ...	...	104
Hindu Law (Women's rights) ...	Regn. X of 1933	
Adopt—Authority to ...	9 (1)	532
Adoption—Effect of ...	9 (2)	532
Application ...	2	526
Investments— ...	20	536

Subject	Section	Page
Limited estates—Rights of holders of—	17	535
—Restrictions on powers of holder of—	18 (1)	535
—Surrender or relinquishment by holder of—	19	536
—Succession on termination of—	21	536
Maintenance—Females entitled to—	22	536
—Wife when entitled to separate—	23	537
—Right to—un-conditional—	24	537
—Amount of—	25	537
—When a charge—	26	538
Partition—Certain females entitled to shares at—	8	530
Preference—General rules as to order of—	5	529
Pre-adoption—Validity of—arrangements—	9 (3)	532
Separate property—self acquisitions deemed to be—	6	530
Stridhana—what is—	10 (1)	533
—nature of estate in—	11	533
—Succession to—	12	534
—Estate of heir to—property—	13	535
Succession—order of—	4	527
—separate property to pass by—	6 (2)	530
—in case of intestacy—	7 (2)	530
—separate share or interest to pass by—	in case of intestacy	
The High Court (Designation)	Regn. XII of 1930	
Chief Court and Chief Judge—change of designation of—	2	57
Commencement—short title, extent and—	1	57
Irrigation	Regn. I of 1932	
Appeal—	23	89
Appeals—Against order under Sec 32.	33	93
Civil Courts—Jurisdiction of—barred	55	100
Claims—Limitation of—	19	89
Commencement—Extent and—	2	81
Compensation—Enquiry as to—	21	89
—Deputy Commissioner to determine the amount of—	22	89
—when due—	24	90
Customary labour—Nature of and persons liable to perform—etc.	35	94
—village patel responsible for due performance of—	36	94

Subject	Section	Page
Damage—Compensation for—caused by entry on land ...	20	89
—Compensation awardable for—...	18	88
Definitions ...	3	82
Deputy Commissioner—claims to be preferred to the—...	22	89
Enquiry—Procedure in holding the—...	26	90
Enquiring Officer—Report of the ...	27	91
Irrigation Officer—Power of—to determine the irrigable area, etc ...	16 (1)	87
Irrigation work—Powers for repairing or preventing damage to an ...	6	84
—Regulation of water supply from—	13	86
—Supply of water from a new —	14 (1)	86
—Preliminary enquiry to be held when the levy of acreage, contribution, etc., necessary for undertaking construction or improvement of ...	25	90
Irrigation Panchayet—Constitution of—	40	95
Irrigation Board—do ...	41	96
Land—Power to enter upon—for purposes of inspection, etc. ...	5	83
—Levy of contribution and water rate on — ...	30	92
Notice—Manner of serving — ...	54	99
Obstruction—Power to remove—or damage to works ...	51	99
Panchayet—dissolution of— ...	44	96
Penalty— ...	47	98
Repair, etc.—Improvement of labour for urgent work of— ...	31	92
Rules—Power to make ...	56	100
Water Course—Construction, extension improvement or alteration of—on the application of the person interested ...	8	84
—No alteration of — except with consent of irrigation officer ...	9	85
—Obligations of owners of land receiving supply from— ..	10	85
—Settlement of disputes concerning — ...	12	85
Water Rates—Remission of—when allowable ...	18	89
Income Tax (Amendment) Regulation, Reg. No. III of 1930		
Amendment of—Section 10 ...	2	22
—Section 14 ...	3	23

Subject	Section	Page
Amendment of—Section 26	6	24
—Section 35	7	24
—Section 42	8	25
—Section 46	9	25
—Section 51	9	25
—Section 52	10	25
—Section 56	12	25
—Section 57	13	26
—Section 58	14	26
—Section 59	15	26
—Section 66	16	27
Assessment—after partition of a hindu undivided family	5	23
Business—Change of ownership of	6 (2)	24
Commencement—Short title	1	22
Firm—Change of constitution of	6	24
Information—Supply of— <i>re</i> dividends	4	23
Reference—to be heard by Benches of the High Court	17	27
Income-tax (Amendment)	Regulation II of 1931	
Amendment of—Section 3	2	61
Indian Penal Code (Amendment) Regn.	Regn. VII of 1930	36
Addition of cl. 12 to sec. 21.		
Land Acquisition (Amendment)	Regn. VII of 1932	
Amendment of—Section 3	...	127
Limitation Regulation (Amendment)	Regn. I of 1931	59
Addition of a new section 30 A		
Limitation (Amendment)	Regn. I of 1933	
Amendment of—Article 5 of first Schedule	2	139
—Article 159 of the first Schedule	3	140
Commencement—Short title and —	1	139
Lunacy (Amendment)	Regn. XII of 1933	
Addition of—a new section as 10 A	4	560
Amendment of—Section 3	2	560
—do 4	3	560

Subject	Section	Page
Medical Practitioners Registration	Regn. V of 1931	
Appeal—to Council from decision of Registrar	16	70
—to Government	19	71
Bar—to suits and other legal proceedings	20	71
Commencement—of Regulation	2	67
Committee for inquiries—Council may appoint a—	18 (1)	71
Definitions	3	67
Office of members—Tenure of—	7	68
Medical Council	5	68
Membership of Council—Qualifications for—	6	68
—Cessation of—	9	69
Medical Register	12	69
Meetings of Council	13	69
Registered Practitioners—Privileges of—Registrar—and other officers	4	68
Register—Removal from—	11	69
Registration fee—	17 (2)	70
Registration fee—	15 (2)	70
Rules and bye-laws—Power to make—Schedule—Alteration of—	25 (1)	72
	21	71
Minor Municipal Regulation	Regn. IX of 1933	
A		
Accounts—Maintenance of — and restrictions on expenditure	53	500
—Presentation of —	54	„
—Audit of —	55	„
Animals—Places for slaughter of — for sale.	89 (1)	513
—Penalty for possession of — or articles unfit for human consumption or adulterated drugs... ..	95	516
Appeals	45	497
B		
Buildings—Control of erection of—	79	508
—Power of Government to prohibit the erection of — in certain areas without permission	80	509
—Disinfection of —	91 (3)	514
Burial and Burning grounds	92	515

Subject	Section	Page
C		
Candidates—Qualification of — ...	8	479
Candidate—Declaration in case of corrupt practice by a — ...	11 (3)	483
—Disqualification of a — for corrupt practice ...	11 (6)	484
Chief controlling authority ...	34	492
Committees ...	19	487
Compensation—Determination of — in certain cases ...	104	520
Compromise—Powers to — suits and claims ...	33	492
—Powers to — and compound offence ...	100	518
Corrupt practice—What is a — ...	11 (4)	483
Councillor—General disqualifications for becoming a — ...	9 (1)	479
—Disabilities from continuing to be a — ...	9 (2)	480
—Term of office of — ...	12	485
—Resignation of —, Vice-Presi- dents and Presidents ...	13	485
—Liability of — for removal from office ...	14	485
—Casual vacancies among — how to be filled up ...	15	485
—Casual vacancies by increasing the number of — ...	16	485
—Rights and privileges of muni- cipal —	20	487
—to be public servant ...	30	491
D		
Deleterious substance—Feed animals on — ...	87	513
Diseases—Acts done by certain persons suffering from — ...	88	513
Disputes ...	44	497
Duties—Obligatory — ...	23	488
—Discretionary — ...	23 (2)	489
E		
Elections —Determination of validity of —mere irregularities and informa- lities not to invalidate — ...	11 (1) 11 (5)	482 484
—Bar of suits relating to — ...	17	486
Entry—Powers of — and inspection...	74	506

Subject	Section	Page
F.		
Food—Unwholesome articles of — and drink	86 (1)	513
G.		
Grant-in-aid—Power to make— ...	52	500
Government—Contracts by officers appointed by — to execute municipal works, etc. ...	25	490
-----Power of— and Deputy Commis- sioner to annul or amend pro- ceedings of municipal council ...	35	493
— inquiry into municipal matters...	40	495
— Power of — to direct person in custody of municipal fund to pay Government dues ...	41	496
— Power of — to dissolve or super- sede municipal council in case of incompetency, default, etc....	42 (1)	496
— Power of — to resume property	46 (2)	499
— Power of — to suspend or prohi- bit levy of objectionable taxes...	71	505
— Special powers of — with ... regard to taxation ...	72	505
— Power of — to make rules and orders	106	520
— Power of — to delegate its powers under the regulation ...	107	523
— Power of — to confer on the holders of alienated villages or their agents powers of an Assis- tant Commissioner or Deputy Commissioner ...	108	523
Government Auditor—Power of—...	56	500
Duties of—	57	501
I.		
Inspectors—Appointment of — ...	43 (1)	497
L.		
Land—Acquisition of —	26	490
License—Premises not to be used for certain purposes without a —...	90	514
Loans — Municipal Council may raise and form a sinking fund ...	51	500

Subject	Section	Page
M.		
Meetings—	18	486
Minor Municipality—Procedure for constituting—	4 (1)	477
—Conversion of Town Municipality into—	5 (1)	477
Municipal Council—Municipal Government to vest in—	6 (1)	478
—Incorporation of—	6 (2)	478
—Constitution of—	6 (3)	478
—Certain officers entitled to attend and speak at meetings of—	21	487
—Acts of — not to be invalidated	22 (2)	488
—Power of — to acquire and hold property and to contract	24	489
—Municipal fund ordinarily liable for all costs and expenses incurred by—	31 (1)	491
—Institution of legal proceedings against—	32	492
—Property vested in the—	46	498
—Taxes and Fees which a — may levy	61	502
—Power of — to levy other taxes and fees	62	508
—Power of — to provide for proper water-supply	85	512
—Penalty on President, Councillor, Officer or servant of — being interested in contract	96	516
Municipal Establishment	29	491
Municipal Fund—its custody and investment	48	499
—Constitution of—	49	499
—Application of— and property...	50	499
Municipal property—Damage to—how made good	105	520
Munsiff—Powers of— holding enquiry	11 (2)	483
N		
Notices—Public and general—how to be published	101	518
—Service of—addressed to individuals	101 (2)	„
P		
Police Officer—Powers and duties of—	99	517

Subject	Section	Page
President—Every Municipal Council to have a—and if the Municipal Council so desires a Vice-President ...	10 (1)	481
—to be appointed or elected ...	10 (2)	"
—Effect of notification of <i>ex-officio</i> ...	10 (3)	"
—Power of Government to appoint the—or Vice-President ...	10 (5)	"
—Amildar to perform the duties of— when there is no President ...	10 (6)	"
—Vacation of office by—and Vice-President for want of confidence.	10 (7)	"
—Removal of—and Vice-President	10 (8)	482
—Term of office of—and Vice-President ...	10 (10)	"
—Consequences of absence of—or Vice-President without leave ...	10 (11)	"
President—Functions of — ...	27	490
—Liability of—Vice-President etc. for loss, waste or misapplication	31 (2)	491
—Power of—to temporarily close streets ...	75	506
Private property—Power to carry pipes, drains or sewers through— ...	84	511
Projections—Permission necessary for certain— ...	77 (1)	507
—Removal of— ...	77 (2)	"
Public Works—Agency for execution of—	38	494
R		
Receipts—to be given for all payments.	73	506
Repeal ...	2	474
S		
Sanitation—Power as regards— drainage etc. ...	82	510
Surcharge— ...	58	501
—Appeal from order of— ...	59	"
Surcharged—Recovery of amount—	60	502
T		
Taxes and fees —Abolition and suspension of— ...	64	503
Taxes—Liability of land and buildings for—	69	504
Tolls—Compounding for payment of —	67	504

Subject	Section	Page
V		
Vice-President —Functions of — ...	28	490
Voters—Qualification of— ...	7	479
Motor Vehicles (amendment)	Regn. IV 1931	
Substitution of new Section for Section 18		65
Motor Vehicles (amendment)	Regulation III of 1932.	
Addition of— a New Section 18 A ...	...	103
(Recovery of monies etc., as arrear of Land Revenue) .. ...	...
Municipal (amendment) Regulation.	Regn. III of 1929	Repealed.
Municipal (amendment) Regn.	Regn. IX of 1930	Repealed.
Municipal (amendment) Regn.	VI of 1931.	Repealed.
Sale of goods Regulation	V of 1932.	
Acceptance	42	117
Approval—Goods sent on— or on sale or return	24	112
Ascertained goods—Sale of—and appropriation	23 (1)	112
Carrier—Delivery to—or wharfinger ...	39	116
Contract—Goods perishing before making of —	7	108
—Repudiation of—before due date	60	122
Deliverable State—Specific goods in a—	20	111
—Specific goods to be put into a—	21	111
—Specific goods in a—when the seller has to do anything there—to in order to ascertain price ..	22	111
Delivery—Effect of part—	34	114
—Buyer to apply for— ...	35	115
—Rules as how to apply for ...	36	115
Disposal—Reservation of right of— ...	25 (1)	112
Goods—Buyers right of examining etc, of—	41 (1)	117
—Liability of buyer for neglecting or refusing delivery of— ..	44	117
Implied terms—Exclusion of—and conditions	62	123
Instalment deliveries ...	38	116
Joint-owners—Sale by one of— ...	28	113
Lien—Termination of—	49	119
Non acceptance—Damages for—	56	122

Subject	Section	Page
Price—Ascertainment of — ...	9	108
—Suit for — ...	55	121
Property—Risk <i>prima facie</i> passes with	26	113
Repeal ...	65	124
Sale—Contract of—how made ...	5	107
Sample—Sale by ...	17	110
Savings— ...	66	124
Seller—Duties of—and buyer ...	31	114
Time—Stipulations as to— ...	11	108
Transit—Duration of— ...	51	119
—How stoppage in—is effected ...	52	120
Voidable Contract—Sale by person in possession under— ...	29	113
Warranty—Condition and— ...	12	109
—When condition to be treated as— ...	13	109
—Remedy for breach of— ...	59	122
Wrong quantity—delivery of— ...	37	115
Savings Banks Act (amendment) Regulation	Regn. I of 1930	
Amendment of—section 3 ...	1	18
Amendment of—sections 6 and 7 ...	3	19
Amendment of—section 8 ...	4	19
Amendment of—section 14 ...	5	19
Substitution of—New section for section 4 ...	2	18
Securities (amendment) Regulation.	Regn II of 1930.	
Amendment of—section 9 ...	2	20
New section 17 A—Insertion of— ...	3	21
—discharge in respect of (interest)		
Tank Panchayet (Amendment).	Regulation III of 1931.	
Amendment of—Section 15 ...	1	63
—Section 16 ...	2	63
—Section 18 ...	3	64
Town Municipal	Regulation VIII of 1933.	
A		
Accounts—Presentation of — ...	181	445
—Maintenance of — and restrictions on expenditure ...	183	446
—Audit of — ...	184	447
—Transmission of — to Government ...	190	448

Subject	Section	Page
Administration Report—Annual— ...	191	449
Amounts disallowed—Recovery of— ...	189	448
Appeal to Magistrates ...	96 (1)	402
Appeal—Revision of decisions on — ...	96 (2)	...
Arrangements—Purporting to be binding permanently or for a term of years ...	59	382
Assessor—Appointment of ...	65 (1)	387
Assessment list—Preparation of an — ...	66 (1)	387
—Publication of notice of ...	68	388
—Public notice of time fixed for revising— ...	69 (1)	...
—Amendment of — ...	70 (1)	389
—New — need not be prepared every year ...	71	390
B		
Brothels— ...	161	436
Budget—Revision of— ...	182	446
Budget estimate ...	181 (2)	445
Building—Level of — ...	107	407
—Notice of new— ...	109 (1)	407
—Power of Government to prohibit the erection of — in certain area without permission ...	110	410
—Ruinous or dangerous ...	128	418
—power to enter and inspect, etc. ...	140	425
—Proceedings to abate the overcrowding of the interiors of ...	156 (1)	432
By-laws—Power to make — ...	48 (1)	372
C		
Cattle—Tethering —, etc., ...	144	426
Chief officer—Appointment of — ...	209	458
Chief officer—Duties of — ...	210	459
—Powers of— ...	211	460
—Powers of appointment and punishment ...	212	461
—May make explanations at meetings ...	213	462
Circular—Procedure by — ...	33	364
Committees— ...	29	362
—When persons other than Councillors may serve on — ...	30	...
—Subordination of — to instructions of Municipal Council, etc. ...	34	364
—Joint — of two or more Municipal Councils ...	37	366

Subject	Section	Page
Compensation—Determination of — in certain cases ...	168	440
Compromise—Power of — ...	176	443
Contracts—Mode of executing — ...	38 (7)	367
—invalidity of — unless requirements of section are fulfilled ...	38 (8)	368
—by officers appointed by Government to execute municipal works, etc. ...	39	368
Corrupt practice—Declaration in case of — by a candidate ...	20 (3)	352
—what is a ...	20 (4)	...
—candidate when deemed to have committed — ...	...	...
—Disqualification of candidate for—	20 (6)	353
Councillor—General disqualifications for becoming a — ...	12 (1)	347
—Disabilities from continuing a—	12 (2)	349
Councillors—Casual vacancies occurring by increasing the number of ...	17	350
—Re-eligibility of— ...	18	351
—Publication of names of — and Presidents, etc., in official Gazette ...	19	...
—Rights and privileges of individual — ...	28	370
—to be deemed public servants ...	45	...
Cultivation—Regulation or prohibition of certain kinds of — ...	142	426
D		
Dead—Closing places for the disposal of — ...	157	433
Deputy Commissioner—Appeal from order of — ...	188	448
—extraordinary power of — in case of emergency ...	195	450
Distrain—Limitation for— ...	172	442
Distress—lawful though defective in form ...	173	442
Disputes—Between a Municipal Council and one or more local authorities ...	203	455
Dogs—Provision as to— ...	135	423
Drains—Municipal control over —, etc. ...	113	412
—Power for making ...	114	413
—New building not to be erected without ...	115 (2)	413
—power of owners and occupiers of buildings or lands to drain into municipal — ...	116	414

Subject	Section	Page
Drains—Encroachment on municipal —	120	415
—Inspection of ...	121	416
Drugs—Uncertificated person dispensing — ...	151	429
Duts—Depositing —, etc. ...	136	424
E		
Elections—Determination of validity of — enquiry by Judge Procedure	20	351
— Bar of suits relating to ...	21	353
Election—Salaried servants of Government ineligible for— ...	23 (5)	354
Elected and Nominated Councillors—Municipal Council to consist of—	9 (1)	345
—Government may determine the number of Councillors and fix proportion of ...	10	346
Entry—for purposes of the Regulation	167	440
European drugs—Registry for shops for sale of — ...	150	428
Expenditure—Prohibition of — not budgetted for ...	180	444
F		
Factories—in crowded localities ...	159	435
False weights and measures, etc. ...	153	430
Filth—Feeding animals on— ...	145	427
Food—Unwholesome articles of— and drink ...	152	429
G		
Goods—Sale of — distrained in special cases ...	92 (1)	400
Government auditor—Powers of -- ...	185	447
—Duties of— ...	186	...
—disallowance by — and order by Deputy Commissioner ...	187	448
Government—Power of — to prevent extravagance in the employment of establishment ...	199	452
—Power of — to provide for performance of duties in default of Municipal Council ...	200	453
—Power of — to direct person in custody of municipal fund to pay Government dues ...	201	454
—Power of — to dissolve or supersede Municipal Council in case of incompetency, etc. ...	202	454

Subject	Section	Page
Government Powers of — to make rules and orders ...	204	455
—Power of — to cancel or modify bye-laws and rules of Municipal Councils ...	205	458
—Delegation of powers by — ...	206	...
—Powers of — and of the Deputy Commissioners over subordinates.	207	...
H		
Houses——Sufficient drainage of— ...	115	413
Huts——Regulation of — ...	111	411
I		
Inspection——Powers of — and supervision ...	192	449
—Deputy Commissioner's powers of — of Officers of Municipal Councils ...	193	450
L		
Land——Acquisition of— ...	40	368
Land——Liability of — buildings, etc.. for rates ...	97	403
—Acquisition of—which is within the regular line of a street and open or occupied only by platforms — ...	103 (2)	406
Licenses——Municipal Council may charge fee for certain— ...	78	392
—to be taken for burning bricks...	146	427
Licensing——markets, slaughter-houses, etc. ...	147	427
Lists——Operation of — ...	11	346
M		
Markets——Opening, closing and letting of — and slaughter-houses ...	148	428
Municipal Council ——Municipal Government to vest in — ...	22	353
—Provisions in regard to meetings of a — ...	27	358
Municipal Councils——Certain Government Officers may attend meetings of — ...	27 (16)(a)	361

Subject	Section	Page
Municipal Councils---Acts and proceedings of -- and Committees not vitiated by disqualifications, etc., of members thereof ...	36 (1)	365
---Vacancy not to affect -- proceedings ...	36 (3)	365
---Competency of -- to lease, sell and contract ...	38	366
Municipal Council ---Officer or servant of any -- not to be interested in any contract, etc....	42 (1)	369
---Penalty for Councillor, officer or servant of a -- being interested in any contract ...	43 (a)	369
---Power of -- to borrow money ...	54	379
---Duties of -- ...	55	379
Municipal Council ---Power of Government to exempt--from any of the duties ...	57	381
---Discretionary power of expenditure of-- ...	58	381
---Management of Public Institutions maintained by -- to vest in it ...	60	382
---Duties of -- in respect of diseases among horses, dogs, cattle, sheep or goats ...	155	432
Municipal Fund---ordinarily liable for all costs and expenses incurred by Municipal Councils ...	41	368
---Do ...	51	378
---Application of -- and property ...	52	378
---Liability of --- ...	208	458
Municipal matters -----Government enquiry into-- ...	198	452
Municipal property---Damage to -- how made good ...	174	442
N		
Notice ---Form of-- ...	74 (1)	391
---to be given to Municipal Council of all transfers of title by persons primarily liable to payment of taxes on buildings, etc. ...	73	391
---Liability for payments of taxes on buildings or lands to continue in the absence of -- of transfer ...	76	391

Subject	Section	Page
Notices—Service of —, etc., addressed to individuals ...	162	436
—Service of—on owners and occupiers of buildings and lands ...	162 (2)	437
---Public and general — how to be published ...	162 (3)	437
—Punishment for disobedience of orders and — not punishable under any other section ...	163	438
O		
Octroi—Octroi bye-laws to be submitted with proposal for imposition of—	82	395
—Power to examine articles liable to— ...	83 (1)	395
—Power to search where — is leviable ...	83 (2)	395
—Presentation of bills for— ...	84 (1)	395
—Penalty for evasion of— ...	84 (2)	395
Octroi — Penalty for selling articles liable to — without a license or for being in possession of any such article on which Octroi has not been paid ...	85 (1)	396
—Seizure of articles on which— has not been paid and arrest of persons in possession of such articles ...	85 (2)	396
—Power to seize vehicle on non-payment of — or toll ...	87 (1)	397
—Power to keep account current with firm or public body in lieu of levying—on introduction of goods.	88	397
Offences—Power to compound ...	171	442
Occupier—Power to levy charges on— who may deduct the same from his rent ...	164 (2)	439
—Not to be liable for more than the rent due ...	164 (3)	439
—In default of owner, may execute works and deduct expenses from his rent ...	165	439
- —Proceedings if any—opposes the execution ...	166	440
Owner—Municipal Council in default of — or occupier may execute work and recover expense ...	164	438

Subject	Section	Page
P		
Pavement—Displacing, etc. ...	130	420
Payments—Receipts to be given for all — ...	99	403
Persons—Summary proceedings may be taken against—about to leave the Municipality ...	94	401
Police officers—Power of— ...	179	444
President—to be appointed or elected —when Deputy Commissioner and Amildar may perform functions of— ...	23 (2)	354
—Consequence of absence of — or Vice-President without leave ...	23 (6)	354
—Vacation of office by — and Vice-President for want of confidence ...	23 (7)	354
—Removal of — and Vice-Presidents ...	23 (10)	355
—Term of office of — and Vice-President ...	23 (11)	355
—Remuneration of — and Vice-President of Municipal Council ...	23 (12)	356
—Functions of— ...	23 (14)	356
—Liability of — Vice-President and Members for loss, waste or misapplication ...	24	356
Privies—Provision of, — etc. ...	41 (2)	368
—Cost of altering, repairing and keeping in proper order ...	117 (1)	414
Proceedings—Minutes of — to be kept ...	118	415
Projections—Permission necessary for — ...	27 (9)	360
—removal of— ...	123	416
Property—Power to acquire and hold—	123 (3)	417
—Vested in the Municipal Council ...	50 (1)	377
—Power to Government to resume — ...	50 (2)	377
Prosecute—Municipal Council may—	50 (3)	378
Public Works—Agency for execution of—	170	441
	196	451
Q		
Quorum—Number of Councillors required to form a — ...	27 (7)	359
R		
Records—Custody of ...	25	357
Rents—Assistance for recovery of — on land ...	177	443

Subject	Section	Page
Repairs—Hoarding to be set up during		
— ...	132	422
—Fencing, and lighting during—	133	422
Repeal ...	2	339
Resignation ...	13	350
Resolutions—Modification and		
cancellation of— ...	27 (14)	361
Rules—Municipal Councils to make—	46	370
S		
Sewers—Power in respect of — etc.,		
unauthorisedly constructed,		
rebuilt or unstopped ...	119	415
Sewage—Discharging — etc. ...	137	424
Slaughter Houses—beyond Municipal		
limits ...	149	428
Street—Power regarding — etc., ...	100	403
Streets—Temporary closure of —	101	404
—Regular line of — ...	102	404
—Setting forward to regular line		
of — ...	104	406
—Building at corner of — ...	105	406
—Obstruction and encroachments		
upon Public — ...	131	421
Suits—Limitation of ...	178 (1)	443
Surplus Funds—Power to deposit		
and invest — ...	53 (1)	378
Sweepers and Scavengers—Notice to —		
before discharge ...	44 (1)	369
—Penalty for withdrawal of — without		
notice ...	44 (2)	370
T		
Tax—Power to suspend reduce or abolish		
any — ...	47 (1)	372
Taxes—Which may be imposed ...	61	382
—Procedure preliminary to impos-		
ing ...	62	385
—Remission of — in case of		
vacancies when obligatory ...	77 (1)	392
—Power of Government to suspend		
or prohibit levy of objectionable		
— ...	80	394
—Power of Government to require		
Municipal Council to impose ...	81	394
—Presentation of bill for — ...	90	398
Tenders—When should be invited ..	38 (5)	367
Toll—Composition of — ...	79 (1)	393

INDEX

Subject	Section	Page
Tolls—Tables of — to be shown on demand	86	396
—Forming of —	89	398
Town Municipalities — Delimitation of — Conversion of City and Minor Municipalities into — ...	4	342
What local areas to be declared to be —	5(1)	343
— — — — —	6 (1)	344
— — — — —	7	344
Trades—Regulation of certain	158	434
Town Municipal Councils—Constitution and incorporation of	8	345
U		
Unauthorised Occupation—Levy of fees for — or projection	78 (2)	393
V		
Vacate—Presiding authority to — the Chair when he has a pecuniary interest in any matter under discussion	27 (12)	360
Vice-Presidents—Functions of —	26	357
Votes—All questions must be decided by majority of —	27 (10)	360
Vote—Councillor not to—on questions in which he has pecuniary interest	27 (11)	360
W		
Warrant—In what cases — may issue	91	399
—by whom to be signed	91 (2)	399
—To whom the — should be addressed	91 (3)	399
—how to be executed	91 (5)	400
Water Mains—Power of carrying —	122	416
Water Supply—Powers and duties with regard to dangerous, stagnant or in sanitary sources of —	129 (1)	419
Works—Special provision in regard to — executed by Government	197	451
Wells—Abatement of nuisances from — etc.	141	425
University	Regn. III of 1933	
Academic Council	15	150

Subject	Section	Page
Authorities	12	147
Chancellor	7	145
Constitution of — senate	13 (1)	147
Council—Its function and powers	14	148
Enactments—Repeal of —	30	154
Faculties	16	150
Government—Powers of —	19 (1)	151
Incorporation	4	144
Instruction—Power to provide for — to grant degrees, etc.	5	144
Ordinances	23	153
—Procedure for making	24	153
—Continuation of present —	28	154
Pro-Chancellor	8	145
Property—Power to hold and dispose of	6 (1)	145
Registrar	11	146
—Powers and duties of —	3	155
Statutes	20	152
—Procedure for making —	21	152
University—Officers of the —	9	146
University Fund	18 (1)	151
University Employees—Privileges, etc., of —	26	154
Vice Chancellor	10	146
Village Panchayet (amendment)	Regn. VII of 1931	76
Addition of—a new Section 40 A	6	77
—do do 58 A	11	78
—do do 61 A	12	78
Amendment of—Section 1	2	76
—Section 3	3	76
Substitution of—a new Section to Sec. 43	7	77
—a new Section for Sec. 55. (2)... ..	9	77
—a new Section for Sec. 56. (3)... ..	10	77
Workmen's Breach of Contract act (Repealing)	Regulation IV of 1933	
Commencement—Short title and	1	161
Repeals	2	161

